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ABSTRACT

At least 21 states have passed or are considering legislation to expand public school choice. The reasons for increasing students' options vary as do the forms of available choices. Some options currently in use are interdistrict choice; second-chance plans; postsecondary enrollment options; intradistrict choice; and magnet, state-supported schools. Included in the survey are a summary of public school activity occurring in the 21 states, state-by-state descriptions of those activities, and an appendix containing state statutes and legislation. (LMI)

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SURVEY OF STATE INITIATIVES

PUBLIC SCHOOL CHOICE

EA 021 908

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SURVEY OF STATE INITIATIVES:

PUBLIC SCHOOL CHOICE

September 1989 (Revised)

Education Commission of the States
Suite 300, 1860 Lincoln Street
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A State Policy Maker's Guide to Public School Choice, a definitive guide to choice policy options, is a companion to this survey. It reviews the major plans states and districts use to offer parents and students more scheduling options and guides policy makers on what issues should be addressed when considering choice plans. Copies are available for $11.00 from the ECS Distribution Center, 1860 Lincoln Street, Suite 300, Denver, Colorado 80295. Ask for SI-89-1.

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INTRODUCTION

Within the last three years, many states have studied, proposed or passed legislation establishing or expanding public-school choice. These include: Arkansas, Arizona, California, Colorado, Florida, Illinois, Iowa, Louisiana, Massachusetts, Michigan, Missouri, New York, Oklahoma, Utah, Washington and Wisconsin. Much of the proposed legislation has failed.

Altogether, more than 21 states have passed or are considering legislation to expand public-school choice. The reasons for increasing students' options are varied. Some states want to provide students with more course selections. Others want to promote a diversity of learning experiences. Some use "choice" to promote equity through desegregation; still others want to promote competition to improve schools and make them more responsive to consumers -- parents and students. Schools of choice also can be an avenue to school restructuring.

Public-school choice comes in many forms. It can be within school districts or across school-district lines. Choice can include a few schools within a district (such as magnet or alternative schools) or all schools. Another popular form of choice is to provide public-school 11th- and 12th-grade students the option of attending public colleges, universities or vocational schools. Choices can be made by parents, students or teachers.

Below is a brief summary of the public-school choice activity occurring in several states. State-by-state descriptions of choice activity follow. The appendix contains statutes and legislation passed in several states.

Interdistrict Public-School Choice

Seven states -- Arkansas, California, Iowa, Minnesota, Nebraska, New Jersey and Ohio -- recently have passed legislation promoting interdistrict public-school choice as a way to give families and students broader educational options. However, some of these plans have limitations tied to them. For example, California allows students to attend school in another district if their parent works in that district. Students in Minnesota may apply to any district that participates in the open-enrollment program. In New Jersey, only six districts will be chosen to participate in a three-year pilot project. Desegregation efforts must be preserved.

Second-Chance Plans

In "second-chance" plans, states provide alternatives to students who have not been successful in traditional educational settings. Minnesota's High School Graduation Incentives Program allows students ages 12-21 to participate in a

variety of state-funded programs, including alternative programs and Area Learning Centers in their own or another district. Colorado's Second Chance Program allows dropouts who have been out of school for at least six months to enroll in any school in any district. Similarly, New Jersey recently established Project Attain which allows dropouts who have been out of school for at least six months to enroll in any secondary or vocational school in any district or in a public college or university.

Postsecondary Enrollment Options

Nine states -- Arizona, Colorado, Florida, Louisiana, Maine, Minnesota, New Jersey, Ohio and Washington -- have some form of a postsecondary enrollment options program which allows high-school students to take courses at a college or university. Some programs allow students to be enrolled part-time at both their high school and a postsecondary institution. Others require students to be enrolled full-time at a postsecondary institution. Often, college credit applies toward both high-school graduation and a college degree.

Intradistrict Public-School Choice

Many school districts have intradistrict choice policies. States usually do not mandate but rather support the development of such policies. For example, Massachusetts provides resources and technical assistance to urban districts that use "controlled-choice" plans to promote desegregation. Public-school choice has been a component of school-improvement efforts in District 4 in New York City for the past 15 years. Reform legislation for Chicago contains an intradistrict choice plan. However, Ohio recently mandated that every school district in the state have an intradistrict choice policy in place by July 1993.

Magnet and State-Supported Schools

Schools of choice in several states include magnet or residential schools. For years, most urban districts have developed magnet schools to promote desegregation. Because these have become standard practice, they are not specifically identified in this survey.

STATE-BY-STATE ACTIVITY

Arkansas

The 1989 legislature passed the Public School Choice Act of 1989 (Senate Bill 56). It allows students to attend the public school of their choice in any district in the state, providing the transfer doesn't adversely affect the racial balance of either the sending or receiving district. District participation is voluntary. State aid follows the student. Any student who transfers is not eligible to participate in interscholastic athletics for one year from the date of transfer.

Transportation from a student's home to the nearest border of the district containing the chosen school is the parent's responsibility. If requested by the parent, transportation from the nearest border to the chosen school is the responsibility of the receiving district. Parents can be reimbursed for their portion of transportation costs if their family income is at or below the poverty level.

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Arizona

In 1984, the state legislature passed Senate Bill (S.B.) 1240 which added section 15-701.01 (D) to the Arizona Revised Statutes, allowing high-school students to take college courses not offered at the high-school level. Students may attend either a community college or a four-year college or university. The district's governing board determines how much of the earned college credit applies toward high-school graduation. The option is not widely used but works well for those who take advantage of it. The state does not pay students' tuition when they choose this option.

In 1988, Representative Jim Green introduced House Bill (H.B.) 2107, which would have established a statewide inter- and intradistrict public-school choice plan with state money following the student. The bill was passed by the House but defeated in the Senate. Opposition to the bill centered around concerns about desegregation and possible negative consequences for small districts.

S.B. 1238, as introduced in the 1989 legislature, would have established an interdistrict choice plan with state money following transferring students to the receiving district. The bill failed in the House Education Committee, but probably will be reintroduced.

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California

Public schools of choice, such as a school-within-a-school or special schools focusing on a specific subject area, are very common in California. Interdistrict choice is allowed if both school districts involved in the move agree. In this case, part of the state money follows the student and part remains in the sending district.

Section 48204 of the California Education Code allows students to attend a school in another district if their parent works in that district. The final decision is made by the receiving district and is based on space availability. State aid follows the student to the receiving district.

In 1988, Assembly Bill (A.B.) 1425 was introduced. It would have required all school districts with an enrollment of 200 or more to provide at least one public school or program of choice for students of all ages. It also would have required the state to fund charter schools established by parents and teachers if 30 or more students would be enrolled in the school. The school would have to gain board approval and meet standard operating costs. The bill was killed in committee.

A.B. 175, the Public Schools of Choice Act, was introduced in the 1989 legislative session. Similar to 1988's A.B. 1425, this bill would require all school districts with an enrollment of 200 or more to provide at least one public school or program of choice for students of all ages. Within this bill, a school of choice is defined as a separate school, or a school-within-a-school. It must meet all of the following criteria:

- Is chosen by the student, parent or both
- Involves teachers, students and parents in planning and carrying out each student's individual education plan
- Allows flexibility in teaching styles, curriculum and classroom scheduling based on the education plan
- Follows the school district's educational goals, but uses learning methods appropriate for each student's individual learning style
- Is tailored to the way and the rate at which each student learns

Also like the 1988 bill, A.B. 175 would require the state to fund charter schools established by parents and teachers if 30 or more students would be enrolled. The school would have to gain board approval and meet standard operating costs.

Legislative hearings were scheduled for fall 1989 on all pending choice legislation.

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Colorado

An amendment to the Educational Quality Act of 1985 (H.B. 1383), effective July 1, 1985, established the Second Chance Program. The program allows school dropouts who have been out of school for six months or more to attend any school in their district or in another district. The receiving district receives specially appropriated state money for each student.

The Colorado Public Schools of Choice Act of 1988 (H.B. 1262) would have expanded the Second Chance Program and made inter- and intradistrict choice available to all students, not just dropouts. The bill, sponsored by Representative Jeanne Faatz, was defeated.

However, the Postsecondary Enrollment Options Act (H.B. 1244) was passed in 1988 to allow 11th and 12th graders to take courses at a college or university. The intent of the act is to give students the opportunity to enroll in college early and attend college full-time. The student's sending school district decides whether the college courses taken apply toward high-school graduation. The postsecondary institution decides whether the student receives full college-level credit. The state pays the student's tuition at the college and continues to pay the student's portion of state money to his or her school district. Fall 1988 began the first year of implementation.

Two bills concerning public-school choice were introduced during the 1989 legislative session. Faatz sponsored the Colorado Public Schools of Choice Act 1989 (H.B. 1109), a new version of the 1988 bill, that called for voluntary inter- and intradistrict choice and would have established the School Governance Grant Program. The latter would have awarded grants to teachers and other school personnel who submitted approved proposals to restructure their school and improve student learning. The bill was defeated.

Senator Terry Considine introduced another bill, S.B. 119, that concerned "school renewal" and called for state-funded school reorganizations and "charter schools." Both types of schools would have been required to establish open enrollment policies and a parent outreach/communication plan. This bill was indefinitely postponed by the Senate Education Committee.

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Florida

In 1987, sections 240.115, .116, .1161 and .1163 of the Florida Statutes were amended to allow for a community-college dual-enrollment option. This option allows 11th and 12th graders who have a specified number of high-school credits and a recommendation by their school's principal to enroll in a community college to take courses not offered at their high school. The students enroll at both the high school and the college and receive credit at both institutions. They do not pay tuition or book charges. Where districts market the program, participation is high.

H.B. 1004, a bill that would have established a pilot, intradistrict choice program for school dropouts, died in the House Education Committee, but probably will be reintroduced.

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Illinois

S.B. 1840, which amended chapters 85 and 122 of the Illinois Annotated Statutes, commissioned the state board of education to study and develop incentive programs that allow students to enroll in any attendance zone within their resident school district or subdistrict. The board must report its recommendations to the general assembly by January 1, 1990. The bill also required the City of Chicago School District #299 to phase in open enrollment for all students beginning with the 1991-92 school year.

No new choice legislation was expected to be introduced during the 1989 legislative session.

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Iowa

In 1987, House File (H.F.) 499 amended section 280.16 of the Iowa Code Annotated to establish a two-year inter- and intradistrict choice pilot project. Under the pilot project, students could transfer to the school of their choice if the receiving school or district had different course offerings and if the transfer was approved by the sending district. State money followed the students. In 1988, Senate File (S.F.) 323 repealed section 280.16 and amended section 280.18 which made open enrollment between connecting districts a permanent option.

S.F. 59, passed by the 1989 legislature, allows students to attend any school in the state, not necessarily one in a connecting district. Transportation to a specified point at the receiving district border line is the responsibility of the parent; the receiving district is responsible for transportation to the chosen school. Transferring students will not be eligible to participate in interscholastic athletic events for one year.

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Louisiana

Schools of choice in Louisiana include magnet schools and special schools for gifted and talented students.

The state also has a postsecondary enrollment option which allows students to enroll in college courses if they meet the following requirements:

- Twelve units toward high-school graduation
- At least a 3.0 GPA on a 4.0 scale
- An ACT score of at least 24
- At least one class per day at the high school

High-school students who take college courses do not directly earn credit toward their high-school diploma. However, they do receive a diploma after they earn at least 24 college credits. (See La. Dept. of Educ., Bulletin 741, Louisiana Handbook for School Administrators, secs. 2.105.42-.58 and 2.108.00-.05 [1987].)

If a student lives on a school district borderline, the state allows interdistrict choice based on a principle of reciprocity (i.e., the two school districts involved must swap an equal number of students per year). No state money follows the student.

Guidelines for interdistrict choice are determined by districts.

S.B. 281 and H.B. 676, introduced in the 1989 legislative session, would have established an intradistrict choice plan. Both bills failed in their originating committees.

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Maine

Interdistrict transfers are allowed if both the sending and receiving districts agree. Once they agree, they must get the routine approval of the state department of education. State money follows the student.

Until the late 1970s, state money followed a student to a private or parochial school if a public school was not available. This practice was discontinued on advice of the state attorney general.

In 1987, legislation established the Postsecondary Enrollment Options Act. Under the act, high-school students may attend a public two- or four-year college or university and receive credit toward high school and college graduation. Tuition is paid by the student's resident school district; textbooks, materials, course fees and transportation costs are paid by the student or his or her parents.

No new choice legislation is expected to be introduced to the 1989 legislature.

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Massachusetts

In 1981, the Cambridge school district developed a "controlled-choice" plan. Controlled choice is a form of intradistrict choice that fosters two interrelated purposes: the voluntary desegregation of a community's schools and the strengthening of each school by giving its staff responsibility for improving quality. Cambridge's success has prompted four other Massachusetts cities to adopt a controlled-choice plan -- Boston, Fall River, Lawrence and Lowell. "An Act Expanding Public School Choice to Parents," or H.B. 5350, was introduced during the 1989 legislative session and carried over in committee until December 1989. It would establish an interdistrict choice plan.

A state assignment officer would make the final assignment in accordance with rules developed by the board of education. Districts operating under a board or court-ordered desegregation plan would be asked to keep the transfer of students among its schools and those of other communities consistent with the goals of the desegregation plan.

The state would pay $2,000 to the receiving district in lieu of state aid for each transfer student. Additional support for students requiring bilingual and special education would be provided under other statutes.

The state also would pay transportation costs for students entitled to free lunches. In turn, the receiving district would arrange to transport a student from his or her home to the new school. Transportation costs for other students would be paid by their parents.

In communities implementing desegregation plans, the state board of education could make grants available to cover the costs of magnet schools that attract students from other communities. The board also could award grants to help cities, towns or regional school districts plan and develop an education program that draws students from more than one school district. Additionally, grants also could pay for parent-information programs and help school systems encourage teacher-initiated charter schools to serve out-of-district students under an interdistrict transfer plan. This approach would provide for shared decision making, professional working conditions and accountability.

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Michigan

In September 1987, the Michigan School Finance Commission presented the state board of education with "Educational Quality in the 21st Century," a report that identified more equitable ways to finance schools. The report included a "school choice and competition" recommendation.

In his 1988 State-of-the-State address, Governor James Blanchard issued the Educational Excellence Challenge which included several initiatives to improve education in Michigan. One of the bills stemming from the Challenge was H.B. 5369, later changed to H.B. 5561. This bill would have established the Family Option Schools program, an interdistrict choice plan, to award study and planning and incentive grants to help selected districts implement pilot programs. S.B. 650, which would have permitted voters to petition for an election to open their public schools to choice, also was introduced. Both bills failed because of desegregation concerns.

S.B. 51, introduced in the 1989 legislature, is similar in that it would ask registered voters whether or not they want their school district to establish interdistrict choice. However, only school districts in which 10% of the voters signed and filed a petition requesting to vote on interdistrict choice actually would hold an election on this issue. This bill was still in committee in early fall.

Blanchard proposed several new education initiatives, including the Schools of Tomorrow Fund. Part of the fund would have provided grants to help school districts develop parental choice plans. This component of the fund was defeated by the legislature, but will be reintroduced next session.

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Minnesota

Many other states model their school choice programs after Minnesota, which is considered the national leader of public-school choice initiatives.

Minnesota's choice activity began in 1985 when section 123.3514 was added to the Minnesota Statutes Annotated to establish the Postsecondary Enrollment Options Act. The act allows 11th- and 12th-grade students to attend a college or technical school, full- or part-time, to earn a high-school diploma. Students choose whether the credit they earn is applied toward high-school graduation or a college diploma. All fees and books and materials costs are waived, and the state pays tuition for courses taken for secondary credit.

In 1987, section 123.3515 established the School District Enrollment Options Program. It allows elementary and secondary students to attend the school of their choice in any school district as long as both involved districts agree to the transfer and the desegregation balance is not upset. Districts with fewer than 1,000 students voluntarily participate in the program. In 1988, section 120.062 required all school districts with 1,000 or more students to participate. Approximately 35% of all districts take part. Both sections of the law will be repealed on June 30, 1990, and all districts will be required to participate in the enrollment options program by the 1990-91 school year unless declared closed because of desegregation guidelines.

The High School Graduation Incentives Program was established in 1987 through section 126.22. It allows persons age 12-21 to earn a high-school diploma by choosing from various state-funded programs. These programs include enrolling in the public school of their choice, a private school which has contracted with the state to provide services, a state-approved public alternative-education program, an Area Learning Center or a college or technical school under the Postsecondary Enrollment Options Program. Persons eligible for this program are those considered at risk because of chronic truancy, dropping out, drug and/or alcohol dependency, teen pregnancy, etc.

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Missouri

The St. Louis and Kansas City school districts have interdistrict transfer plans designed to improve the racial balance.

H.B. 860 was introduced during the 1989 legislative session. It would have established an interdistrict choice plan. The bill died in committee.

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Nebraska

Legislative Bill 183, establishing a statewide, interdistrict choice plan, was passed by the 1989 legislature. Monies equalling the county average cost per student are transferred to the receiving district. Transportation from the student's residence to the receiving district border line is the responsibility of the parent; transportation within the receiving district is the responsibility of the district if the parents request it. The option to change school districts is available to students only once prior to graduation unless they move to another district.

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New Jersey

At Governor Thomas Kean's request, a report describing the various choice plans that exist around the nation was released in December 1988. Public hearings about choice ended in February 1989. The research and hearing testimony resulted in the establishment of three three-year pilot programs: the Intradistrict Choice Program, Project Attain and the Learning Incentives Program.

The Intradistrict Choice Program will award six school districts up to $300,000 each to develop and implement intradistrict choice plans. The pilot districts will be selected by the state department of education based on a competitive bid process. Funds for this program were approved in the state's appropriation act, S.B. 3800.

Project Attain will establish a second-chance program for students who have been dropouts for at least six months. The project will allow these dropouts to attend any public secondary school in the state, a vocational school in any county, or a state college or university. Project Attain will begin in fiscal year 1991 with 200 dropouts participating.

The Learning Incentives Program will establish a postsecondary dual-enrollment option for high-school students. Under the program, students will be able to attend college courses and receive both high-school and college credit.

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New York

New York has a magnet school/choice program, established in 1983, that provides funds to 12 school districts to develop and implement innovative education programs designed to attract students. Program funds are authorized annually in Chapter 53 of the state's budget bill. In addition, several of the state's school districts have extensive magnet-school systems which have received national recognition and praise.

The Buffalo School District's magnet schools are some of the state's finest and include the "Zoo" magnet school. Enrollment in the district's magnet schools is done by lottery to avoid over-enrollment and give students an equal chance for admission.

The Yonkers School District is in its third year of implementing a comprehensive magnet-school options plan. Every school in the district contains a magnet school-within-a-school focusing on various subjects.

Rochester and Buffalo have implemented the Urban-Suburban Transfer Program which allows for interdistrict choice and is designed to maintain desegregation. The state provides transportation money. Student participation is voluntary.

Governor Mario Cuomo developed plans for a new accountability system that contained a schools-of-choice component. Under the system, all public schools in the state would have been evaluated. Parents of a child who attended a school identified as low-performing could have sent their child to any other school within their resident district. The plan was presented to the 1989 legislature but was defeated.

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Ohio

An omnibus education bill, S.B. 140, was passed during the 1989 legislative session. It includes mandates for intradistrict and interdistrict choice plans and a postsecondary enrollment option plan.

By July 1, 1993, all school districts must have policies that allow students to attend any school within their resident district. Districts also may voluntarily participate in an interdistrict choice plan whereby students may attend a school in any district adjacent to their resident district. Additionally, 11th and 12th grade students may attend a state college or university, on a full- or part-time basis, and complete courses for high school and/or college graduation credit. If students choose to earn high school credit for the college courses taken, their school district must reimburse the college attended for tuition, fees, textbooks and materials.

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Oklahoma

The state has a highly structured student transfer system in which the sending and receiving districts must approve the transfer. State money follows the student.

An interdistrict choice bill (S.B. 158), introduced during the 1989 legislative session, would allow students to transfer to any school outside of their resident district if the receiving district agreed to the transfer. State aid, which accounts for only two-thirds of the per-pupil cost, would follow the students. Parents would be responsible for transportation to the receiving district border line; transportation within the receiving district would be the responsibility of that district. Transferring students would not be allowed to participate in interscholastic activities for one year after the transfer. The bill was carried over for further study.

H.B. 1004, also introduced in the 1989 special legislative session, would establish an interdistrict choice plan through the "Parental Choice Act." The bill was under study in the House judiciary committee.

Many of the state's school districts have intradistrict choice plans. For example, the Claremore School District has an interdistrict open enrollment policy. According to the district superintendent, "Where a person goes to school is his or her business. Those who want to leave, leave, and those who want to stay, stay." But beginning in the 1989-90 school year, the school district is forced to limit incoming transfers for grades 1, 2 and 3 because the district will not receive state aid for students in excess of a 21:1 student/teacher ratio in those grades.

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Utah

A bill proposing inter- and intradistrict choice failed during the 1988 legislative session. Opponents argued that choice would isolate minority and poor students and create a shopping market for gifted, talented and athletic students.

The state department of education commissioned a survey of existing choice options in the state. Groups of educators within the state have met to discuss the survey and new options. The department feels that choice will allow for greater parent involvement in the planning of their children's education and stimulate school improvement.

Legislation and state department of education rules were passed in 1989 establishing a postsecondary enrollment options plan. The plan allows 12th graders to complete their high school graduation requirements at a state college or university. College credits obtained may be applied to both high-school and college graduation.

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Washington

Washington allows intra- and interdistrict student transfers. Both the sending and receiving district must agree to an interdistrict transfer. State money does not follow the student to another school within the same district, but it does follow the student to another district. The receiving district also may charge tuition.

In 1988, section 28A.58.217, added to the Washington Administrative Code, established a postsecondary enrollment option program for gifted high-school students. These students may attend the University of Washington full-time and receive credit toward their high-school graduation. Tuition and related fees are paid by the state until students graduate from high school.

The Seattle School District exercises "controlled choice" because of a desegregation mandate. The city is divided into three school zones, and students may choose which school to attend within their appointed zone.

Two new pieces of choice legislation were introduced in the 1989 legislature. The first bill, which would have established a postsecondary enrollment option for 11th- and 12th-grade students, died in committee. It probably will be reintroduced next session.

The second bill, Washington Engrossed House Bill 1444, established a pilot second-chance option for students who have dropped out of school for six weeks or longer, who have completed a drug or alcohol treatment program and/or who are or about to become teen parents. The bill allows students who return to school full-time to attend any school in the state. Receiving districts may not charge tuition and state monies follow transferring students. The option expires December 31, 1994.

Primary Contact:

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Wisconsin

In January 1988, Governor Tommy Thompson proposed the Public-Choice Pilot Project bill. Under this project, 1,000 disadvantaged students in the Milwaukee area could have chosen the school they attended. Their choices included all public, private and parochial schools. State money would have followed the student. The bill died in the legislature, however, amid questions of the constitutionality of providing state money to private and parochial schools.

Thompson also included three parental choice initiatives in the budget he proposed to the 1989 legislature. The first would have established an interdistrict choice plan. The second would have allowed up to 1,000 Milwaukee kindergarten through 6th-grade students to attend private, nonsectarian schools in Milwaukee County. School participation would have been voluntary. The state would have paid the students' tuition up to the amount it would cost to educate them in a public school. The third would have established a postsecondary enrollment option for 11th- and 12th- grade students similar to Minnesota's. All three initiatives were defeated but probably will be re-proposed at some time.

Primary Contact:

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APPENDIX: STATE STATUTES AND LEGISLATION

Arizona

§15-701.01. High school; graduation; requirements; community college or university courses.

A. Prior to the 1984-85 school year, the state board of education shall prescribe minimum course of study and competency requirements for the graduation of pupils from high school. Prior to the 1986-87 school year, the governing board of a school district shall prescribe course of study and competency requirements for the graduation of pupils from the high schools in the school district. The governing board may prescribe course of study and competency requirements for the graduation of pupils from high school which are in addition to or higher than the course of study and competency requirements which the state board prescribes.

B. The governing board may prescribe competency requirements for the passage of pupils in courses which are required for graduation from high school.

C. A teacher shall determine whether to pass or fail a pupil in a course in high school as provided in §15-521, subsection A, paragraph 10 on the basis of the competency requirements, if any have been prescribed. The governing board, if it reviews the decision of a teacher to pass or fail a pupil in a course in high school as provided in §15-342, paragraph 12, shall base its decision on the competency requirements, if any have been prescribed.

D. Graduation requirements established by the governing board may be met by a pupil who passes courses in the required or elective subjects at a community college or university, if the course is at a higher level than the course taught in the high school attended by the pupil or, if the course is not taught in the high school, the level of the course is equal to or higher than the level of a high school course. The governing board shall determine if the subject matter of the community college or university course is appropriate to the specific requirement the pupil intends it to fulfill and if the level of the community college or university course is less than, equal to or higher than a high school course, and the governing board shall award one half of a Carnegie unit for each three semester hours of credit the pupil earns in an appropriate community college or university course. If a pupil is not satisfied with the decision of the governing board regarding the amount of credit granted or the subjects for which credit is granted, the pupil may request that the state board of education review the decision of the governing board, and the state board shall make the final determination of the amount of credit to be given the pupil and for which subjects. The governing board shall not limit the number of credits required for high school graduation which may be

met by taking community college or university courses. For the purposes of this subsection, "community college" means a community college under the jurisdiction of the state board of directors for community colleges or a postsecondary educational institution under the jurisdiction of an Indian tribe recognized by the United States department of the interior and "university" means a university under the jurisdiction of the Arizona board of regents.

Ariz. Rev. Stat. Ann. sec. 15-701.01 (supp. 1984).

Arkansas

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. TITLE. This Act may be referred to and cited as the "ARKANSAS PUBLIC SCHOOL CHOICE ACT OF 1989."

SECTION 2. LEGISLATIVE FINDINGS AND DECLARATION OF PUBLIC NECESSITY. The General Assembly hereby finds that the students in Arkansas' public schools and their parents will become more informed about and involved in the public educational system if students and their parents or guardians are provided greater freedom to determine the most effective school for meeting their individual educational needs. There is no "right" school for every student and permitting students to choose from among different schools with differing assets will increase the likelihood that some marginal students stay in school and that other, more motivated students find their full academic potential.

The General Assembly further finds that giving more options to parents and students with respect to where they attend public school will increase the responsiveness and effectiveness of the State's schools since teachers, administrators, and school board members will have added incentive to satisfy the educational needs of the students who reside in the district.

The General Assembly therefore finds that these benefits of enhanced quality and effectiveness in our public schools justify permitting a student to apply for admission to a school in any district beyond the one in which he resides, provided that the transfer by this student would not adversely affect the desegregation of either district.

SECTION 3. PUPIL CHOICE. A public school choice program is hereby established to enable any pupil to attend a school in a district in which the pupil does not reside, subject to the restrictions contained in this Act.

SECTION 4. APPLICATION PROCEDURE. Before a pupil may attend a school in a nonresident district, the pupil's parent or guardian must submit an application to the nonresident district. This application must be postmarked not later than February 1, of the year in which the pupil would begin the fall semester at the nonresident district.

SECTION 5. NON-PARTICIPATING DISTRICTS. A school board may, by resolution, determine that it will not admit any nonresident pupils to its schools pursuant to this Act.

SECTION 6. BASIS FOR ADMISSION DECISIONS. The school board of any participating district must adopt, by resolution, specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Nothing in this Act requires a school district to add teachers or classrooms or in any way exceed the requirements and standards established by existing law. Standards may not include an applicant's previous academic achievement, athletic or other extracurricular ability, handicapping conditions, English proficiency level, or previous disciplinary proceedings.

SECTION 7. NOTICE TO APPLICANTS. Within sixty (60) days of the receipt of an application from a nonresident pupil seeking admission under the terms of this Act a participating district shall notify the parent or guardian and the resident district in writing as to whether the pupil's application has been accepted or rejected. If an application is rejected, the nonresident district must state in the notification letter the reason(s) for rejection.

SECTION 8. TRANSPORTATION. The responsibility for transportation for a nonresident pupil shall be borne by the pupil for the portion of transportation from the pupil's residence to the nearest border of the nonresident district. If requested by the parent of the pupil, the nonresident district shall provide transportation from the district border to the school. The State shall pay transportation aid to the nonresident district according to regulations adopted by the State Board of Education. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government.

SECTION 9. CREDITS. A nonresident district shall accept credits toward graduation that were awarded by another district. The nonresident district shall award a diploma to a nonresident pupil if the pupil meets the nonresident district's graduation requirements.

SECTION 10. MINIMUM FOUNDATION AID. For purposes of determining a school district's Minimum Foundation Aid, the nonresident student shall be counted as a part of the Average Daily Membership of the resident district and shall not be counted by the district he attends. However, the resident district shall promptly remit to the nonresident district an amount equal to the amount of state aid which the resident district received through the formula for the transferred student. Failure to remit this amount may result in the State's withholding the delinquent district's state funds.

SECTION 11. LIMITATIONS. The provisions of this Act and all pupil choice options created hereby are subject to the following limitations:

(a) No student may transfer to a nonresident district where the percentage of enrollment for the student's race exceeds that percentage in his resident district.

(b) In any instance where the foregoing provisions would result in a conflict with a desegregation court order, the terms of the order shall govern.

SECTION 12. ATHLETIC ELIGIBILITY. A student who transfers to a nonresident district shall not be eligible for interscholastic athletic competition for a period of one year from the date of the beginning of the transfer.

SECTION 13. DISPUTE RESOLUTION. The Board of Education shall be authorized to resolve disputes arising under Sections 8, 9, 10, 11, and 12 of this Act.

SECTION 14. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

Ark. House Bill 1173 (1989).

California

§48204. Interdistrict attendance; duration of amendment

Text of section operative until June 30, 1990.

(f) An elementary school pupil, one or both of whose parents, or whose legal guardian, is employed within the boundaries of that school district.

(1) Nothing in this subdivision requires the school district within which the pupil's parents or guardians are employed to admit the pupil to its schools. Districts may not, however, refuse to admit pupils under this subdivision on the basis, except as expressly provided in this subdivision, of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration.

(2) The school district in which the residency of either the pupil's parents or guardians is established, or the school district to which the pupil is to be transferred under this subdivision, may prohibit the transfer of the pupil under this subdivision if the governing board of the district determines that the transfer would negatively impact the district's court-ordered or voluntary desegregation plan.

(3) The school district to which the pupil is to be transferred under this subdivision may prohibit the transfer of the pupil if the district determines that the additional cost of educating the pupil would exceed the amount of additional state aid received as a result of the transfer.

(4) Any district governing board prohibiting a transfer pursuant to paragraph (1), (2), or (3) shall identify, and communicate in writing to the pupil's parent or guardian, the specific reasons for that determination and shall ensure that the determination, and the specific reasons therefore, are accurately recorded in the minutes of the board meeting in which the determination was made.

(5) The average daily attendance for pupils admitted pursuant to this subdivision shall be calculated pursuant to Section 46616.

(6) Unless approved by the sending district, this subdivision does not authorize a transfer of pupils out of any given district in any fiscal year in excess of the following amounts:

(A) For any district with an average daily attendance for that fiscal year of less than 501, 5 percent of the average daily attendance of the district.

(B) For any district with an average daily attendance for that fiscal year of 501 or more, but less than 2501, 3 percent of the average daily attendance of the district or 25 pupils, whichever is greater.

(C) For any district with an average daily attendance of 2501 or more, 1 percent of the average daily attendance of the district or 75 pupils, whichever is greater.

(7) Pursuant to this subdivision, district shall report annually to the Superintendent of Public Instruction all of the following:

(A) The number of requests for interdistrict transfers.

(B) The number of students transferred out of the district.

(C) The number of students transferred into the district.

The State Department of Education shall summarize the school district reports and report to the legislature annually.

(g) This section shall remain in effect only until June 30, 1990, and as of that date is repealed, unless a later enacted statute, which is enacted before June 30, 1990, deletes or extends that date. If that date is not deleted or extended, then, on and after July 1, 1990, pursuant to Section 9611 of the Government Code, Section 48204 of the Education Code, as amended by Section 3 of Chapter 1191 of the Statutes of 1980, shall have the same force and effect as if this temporary provision had not been enacted.

Cal. Educ. Code sec. 48204 (f), (g) [West 1986].

Colorado

Second Chance Pilot Program for Problem Students

2-52-101. Legislative declaration. The general assembly hereby declares that the problem of children who do not succeed in the educational system is of grave concern. It is the intent of the general assembly that this article give these children a second chance by providing a variety of educational opportunities for such children, opportunities for educators to use their skills, talent, and creativity, and increased parental involvement in the education process.

22-52-102. Eligible students. (1) In order to be eligible to participate in the second chance program, a child shall be a dropout between sixteen and twenty-one years of age who has been recommended for participation in the program by his school district of residence with the concurrence of the child, his parent, and the receiving district; but no such child shall be eligible to participate in the second chance program if he has achieved a high school diploma or its equivalent.

(2) Once enrolled in the program, a student who makes satisfactory progress may continue in the program until he obtains a high school diploma or its equivalent or until he reaches twenty-one years of age. A student who does not progress satisfactorily may be dropped from the program but shall be eligible to reapply until he reaches twenty years of age.

22-52-103. Eligible schools. (1) Any of the following schools are eligible to apply to the department of education to participate in the second chance program:

(a) Public schools located in school districts that have a dropout rate above the statewide average dropout rate;

(b) Public schools in districts contiguous to districts specified in paragraph (a) of this subsection (1);

(c) Public schools offering vocational, technical, or adult education programs;

(d) Schools operated by boards of cooperative services.

(2) As a condition of continued participation in the second chance program, an eligible school shall provide to the school district in which it is located an accurate monthly report on each eligible student's attendance and performance.

22-52-104. Application -- payment. (1) After July 1, 1986, and each school year thereafter, an eligible student may apply to the school board of his school district of residence to participate in the second chance program. Application and acceptance procedures shall be governed by rules and regulations promulgated by the state board of education. The school district of residence shall process an eligible student's application, assist the student in enrolling in the eligible school, counsel the students and parents of students in the second chance program concerning the availability of services the child or family may need, and monitor the performance and progress of each student in the second chance program.

(2) The school district of residence of a student enrolled in the second chance program shall count the student in its attendance entitlement pursuant to rules and regulations promulgated by the state board of education. The school district shall also provide to the department of education such information as it may require. Pursuant to rules and regulations promulgated by the state board of education, the school district of residence of the student shall transmit monthly eighty-five percent of the district of residence's authorized revenue base per pupil of attendance entitlement to the school district or eligible school enrolling the student, or the actual educational cost

of the program provided, whichever is less. Of that portion of the moneys remaining to the school district of residence, the school district shall transmit two-thirds to the department of education and retain the remaining one-third for implementation of its requirements under the second chance program. These payment procedures shall continue as long as the student continues to reside in the original district of residence, continues to attend the eligible school, and progresses in a satisfactory manner.

(3) The duties of the school district of residence of the eligible student specified in subsection (1) of this section may be developed under contract with boards of cooperative services in districts with eligible participating students and eligible participating schools. School districts which are not in boards of cooperative services may contract with such boards for cooperative programming.

22-52-105. Duties of the department of education. (1) The department of education shall have the following duties regarding the second chance program:

(a) To notify all school districts of the procedures to be followed in processing applications from eligible students;

(b) To gather information on participating schools and advertise the program to potentially eligible students and their parents;

(c) To receive enrollment information and audit the students and schools participating in the program;

(d) To provide assistance as requested to participating school districts, schools, students, and parents;

(e) To hear appeals of disputes arising between participating school districts, schools, students, and parents;

(f) To report to the general assembly by January 31, 1987, and annually thereafter.

22-52-106. Rules and regulations. (1) The state board of education shall promulgate such rules and regulations as are necessary to implement this article, pursuant to section 24-4-103, C.R.S. Such rules and regulations shall include, but shall not be limited to, the following:

(a) Student eligibility criteria considering the special characteristics of the student, the educational record of the student to the time of application, and, if the student is enrolled in a public school program, the opportunities available to the student within that setting;

(b) Criteria for eligible schools emphasizing experimental approaches such as a career development curriculum and experiential education;

(c) Procedures for application by eligible schools and for selecting schools to participate in the second chance program;

(d) Procedures for coordinating eligible participating students and eligible participating schools, including procedures to establish a lottery system when the number of applicants for an eligible school exceeds the available space;

(e) Procedures for notifying the department of education and the student's school district of residence should the student stop attending or fail to make satisfactory progress;

(f) Procedures for resolving disputes arising between school districts, schools, students, and parents consistent with article 4 of title 24, C.R.S.; and

(g) Financial transactions.

22-52-107. Funding of second chance program. It is the intent of the general assembly that, after the initial appropriation made to the department of education for the fiscal year beginning July 1, 1985, the responsibilities and duties specified in this article shall be performed by the department of education and the participating school districts through the funding available pursuant to the "Public School Finance Act of 1973", article 50 of this title.

22-52-108. Repeal of article. This article is repealed, effective July 1, 1987.

Colo. Rev. Stat. secs. 22-52-101--108 (supp. 1986).

Postsecondary Enrollment Options Act

2-35-101. Short title. This article shall be known and may be cited as the "Postsecondary Enrollment Options Act".

2-35-102. Legislative declaration. The general assembly hereby finds, determines, and declares that high school pupils need to be continually challenged in order to maintain their academic interests; that such challenges must include rigorous academic pursuits; that, for some students, exposure to such academic challenges declines during the last two years of high school as pupils complete their graduation requirements; that there is a high rate of dropouts at the eleventh and twelfth grade levels; that, for some students, courses not offered in high school or courses offered in a different setting may stimulate or maintain their interest; that providing a wider variety of options to high school pupils by encouraging and enabling secondary pupils to enroll full-time or part-time in courses at state institutions of higher education provides new and exciting academic challenges to such pupils; and that such enrollment opportunities provide access to excellence in education.

2-35-103. Definition. For the purposes of this article, "institution of higher education" means the university of southern Colorado, Adams state college, Mesa college, Metropolitan state college, Fort Lewis college, Western state college of Colorado, all independent area vocational schools, all junior college district colleges, the university of northern Colorado, Colorado school of mines, the university of Colorado at Denver, the university of Colorado at Colorado Springs, the university of Colorado at Boulder, Colorado state

university, and all community colleges governed by the state board for community colleges and occupational education.

2-35-104. Enrollment in institution of higher education -- cooperative agreement. (1) Any pupil who is not more than twenty years old and who is enrolled in the eleventh or twelfth grade of a school district, as defined in section 22-30-103 (9), is eligible to apply to an institution of higher education to allow such pupil to enroll in courses offered at such institution of higher education.

(2) Any pupil desiring to enroll in an institution of higher education pursuant to the provisions of subsection (1) of this section shall give written notice to the school district of the pupil of the intent to enroll at least two months prior to such enrollment.

(3) The school district of the pupil and the institution of higher education in which the pupil desires to enroll shall enter into a cooperative agreement regarding the enrollment of and the funding method for the pupil in such institution of higher education, including, but not limited to:

(a) The academic credit to be granted for course work successfully completed by the pupil at the institution of higher education, which credit may qualify as high school credit or credit at the institution of higher education, or both;

(b) The requirement that such course work qualify as credit applicable toward earning a degree or certificate at the institution of higher education;

(c) The requirement that any pupil shall not be required to pay any tuition for courses accepted for high school credit; and

(d) The financial provisions to be applicable to such agreement upon consideration of the provisions of section 22-35-105.

(4) Each high school pupil enrolled in a course at an institution of higher education who satisfactorily completes the requirements of the course shall receive appropriate credit toward a high school diploma unless such credit is denied by the high school in which the student is enrolled, and such denial is upheld by the local board of education and the state board of education on the basis that high school credit is inappropriate.

(5) For purposes of this article, unless the context otherwise requires, "course" means a three- or four-semester-hour course offered at an institution of higher education which is taken for 2 semesters, or its equivalent.

22-35-105. Financial provisions -- payment of tuition. (1) The provisions of this section are guidelines to be used for the financial provisions referenced in section 22-35-104 (3)(d) unless the school district of the pupil and the institution of higher education mutually agree upon alternative financial provisions.

(2) If more than 3 pupils of any school district are enrolled pursuant to the provisions of this article in the same course at the same institution of

higher education and if any such pupil is receiving high school credit for such course:

(a) The pupil shall be included in the attendance entitlement of the school district in which such pupil is enrolled as determined pursuant to the provisions of section 22-50-104.

(b) The institution of higher education in which such pupil is enrolled shall not include such pupil in determining the number of full-time equivalent students enrolled in said institution pursuant to the provisions of title 23, C.R.S.

(c) The school district shall forward to the institution of higher education the amount which is specified in the cooperative agreement made by the school district and the institution of higher education.

(3) Except as otherwise provided in subsection (2) of this section, if pupils of any school district are enrolled pursuant to the provisions of this article in any institution of higher education and:

(a) If the pupil so enrolled is receiving high school credit for such course and is enrolled in one or two courses at such institution of higher education:

(I) The pupil shall be included in the attendance entitlement of the school district in which such pupil is enrolled as determined pursuant to the provisions of section 22-50-104.

(II) The institution of higher education in which such pupil is enrolled shall include such pupil in counting full-time equivalent students pursuant to the provisions of title 23, C.R.S.

(III) The school district shall forward to the institution of higher education the amount of tuition to which the institution of higher education would be entitled on behalf of a regularly enrolled student taking such courses.

(b) If the pupil so enrolled is receiving high school credit for such course and is enrolled in three or more courses at such institution of higher education:

(I) The pupil shall be included in the attendance entitlement of the school district in which such pupil is enrolled as determined pursuant to the provisions of section 22-50-104.

(II) The institution of higher education in which such pupil is enrolled shall include such pupil in counting full-time equivalent students pursuant to the provisions of title 23, C.R.S.

(III) The department of education shall annually withhold an amount equal to one-half of the authorized revenue base of the school district for each pupil enrolled in an institution of higher education pursuant to the provisions of this article. From such withheld amount, the department of education shall forward to the institution of higher education the amount of tuition to which the institution would be entitled on behalf of a regularly enrolled student

taking such courses. Any withheld moneys not used to pay for tuition pursuant to the provisions of this subparagraph (III) shall be credited to the general fund of the state.

(c) If the pupil so enrolled is not receiving high school credit for such course:

(I) The institution of higher education in which the pupil is enrolled shall include such pupil in counting full-time equivalent students pursuant to the provisions of title 23, C.R.S.

(II) It shall be the responsibility of the pupil to pay the amount of tuition to which the institution of higher education would be entitled on behalf of a regularly enrolled student taking such courses.

22-35-106. Transportation. The school district of a pupil who is enrolled in an institution of higher education pursuant to the provisions of this article shall not be required to provide or to pay for transportation for such pupil to or from said institution of higher education.

22-35-107. Institution of higher education -- enrollment -- limitations. Any institution of higher education to which a pupil has applied for enrollment pursuant to the provisions of this article may allow such pupil to enroll in courses offered at such institution of higher education. Any institution of higher education may limit the number of such pupils which the institution allows to enroll based on space available. Any pupil who is allowed to enroll pursuant to the provisions of this article shall be included in the number of full-time equivalent students enrolled in the institution of higher education for the purpose of any limitation imposed on the total number of full-time equivalent students which may enroll in such institution of higher education.

22-35-108. Exclusion -- summer school. The provisions of this article shall not apply to pupils enrolled in institutions of higher education during the period from the termination of the regular school term in the spring until the regular school term convenes in the fall.

22-35-109. School districts -- distribution of information. Every school district shall make information available to the pupils enrolled in the school district and to their parents about the postsecondary enrollment options for eligible pupils pursuant to the provisions of this article.

22-35-110. Report to general assembly. The department of education shall collect and analyze information concerning the implementation of this article and shall submit a report to the general assembly based on its findings prior to January 15, 1991. The institutions of higher education specified in section 22-35-103 shall provide the department of education with such relevant information as said department may request.

Colo. Rev. Stat. secs. 22-35-101--110 (1988).

Florida

240.115 Articulation agreement; acceleration mechanisms

(1)(a) Articulation between secondary and postsecondary education; admission of associate in arts degree graduates from Florida community colleges and state universities; the use of acceleration mechanisms, including nationally-standardized examinations through which students may earn credit; and articulation among programs in nursing shall be governed by the articulation agreement, as established by the Department of Education.

(b) Any student who transfers among postsecondary institutions that participate in the common course designation and numbering system shall be awarded credit by the receiving institution for courses satisfactorily completed by the student at the previous institutions if the courses are judged by the appropriate common course designation and numbering system faculty task force to be equivalent to courses offered at the receiving institutions. The award of credit may be limited to courses that are entered in the common course designation and numbering system. Credits awarded pursuant to this subsection shall satisfy institutional requirements on the same basis as credits awarded to native students.

(2) The universities, community college district boards of trustees, and district school boards are authorized to establish intrainstitutional and interinstitutional programs to maximize this articulation. Should the establishment of these programs necessitate the waiver of existing State Board of Education rules, reallocation of funds, or revision or modification of student fees, each college or university shall submit the proposed articulation program to the State Board of Education for review and approval. The State Board of Education is authorized to waive its rules and make appropriate reallocations, revisions, or modifications in accordance with the above.

(3) The universities and boards of trustees of the community colleges shall identify their core curricula, which shall include courses required by the State Board of Education. This shall be coordinated with secondary schools to prepare students for college level work.

(4) The levels of postsecondary education shall collaborate in further developing and providing articulated programs in which students can proceed toward their educational objectives as rapidly as their circumstances permit. Time-shortened educational programs, as well as the use of acceleration mechanisms, shall include, but not be limited to, the International Baccalaureate, credit by examination or demonstration of competency, advanced placement, early admissions, and dual enrollment.

(5) Each state university and community college shall offer, upon request, to all students prior to or during their first term of enrollment in the respective institution, and make available to all other students, not less than once annually, nationally-standardized examinations listed in the articulation agreement through which students may earn credit in those general subject areas which are required or may be applied toward general education requirements for a baccalaureate degree at that university or associate degree

at the community college. A student satisfactorily completing such examinations shall receive full credit for the course the same as if it had been taken, completed, and passed.

240.116. Articulated acceleration.

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment, early admission, advanced placement, credit by examination, and the International Baccalaureate Program.

(2)(a) The dual enrollment program shall be the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students shall be permitted to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. Any student so enrolled shall be exempt from the payment of registration, matriculation, and laboratory fees. With the exception of vocational preparatory instruction, college preparatory instruction, and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, shall be ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(b) Vocational dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, vocational dual enrollment shall not supplant student acquisition of the diploma. Vocational dual enrollment shall be available for secondary students seeking a degree or certificate from a complete job preparatory program, but shall not sustain student enrollment in isolated vocational courses. It is the intent of the Legislature that vocational dual enrollment be implemented as a positive measure. The provision of a comprehensive academic and vocational dual enrollment program within the vocational-technical center or community college is supportive of legislative intent; however, such provision is not mandatory.

(3) Early admission shall be a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. Participation in the early admission program shall be limited to students who have completed a minimum of 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this subsection shall be exempt from the payment of registration, matriculation, and laboratory fees.

(4) Advanced placement shall be the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course shall be limited to students who score a minimum of 3, on a 5-point scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subjection shall be exempt from the payment of any fees for administration of the examination.

(5) Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally-standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education in the statewide articulation agreement. The maximum credit generated by a student pursuant to this subsection shall be mitigated by any related postsecondary credit earned by the student prior to the administration of the examination. This subsection shall not preclude community colleges and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

(6) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. Postsecondary credit for student participation in the International Baccalaureate Program shall be limited to students who earn a minimum of 4, on a 7-point scale, on an individual subject examination conducted by the International Baccalaureate Office. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations.

240.1161. District interinstitutional articulation agreements.

(1) Each superintendent of schools and community college president shall be responsible for the development and implementation of a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, the superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The superintendent and president are encouraged to establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the inter-institutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for any school year shall be completed prior to high school registration for the fall term of the following school year. The initial agreement drafted pursuant to this section shall be completed no later than April 1, 1988. The initial agreement and each subsequent agreement shall include, but not be limited to, the following components:

(a) A ratification or modification of all existing articulation agreements.

(b) A delineation of courses and programs composed of dual enrollment students.

(c) An identification of eligibility criteria for student participation in dual enrollment courses and programs.

(d) A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

(e) An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

(f) A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

(g) An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

(3) The superintendent of schools shall be responsible for incorporating, either directly or by reference, all dual enrollment courses contained within the district interinstitutional articulation agreement within the district pupil progression plan.

(4) Courses and programs may be added to or deleted from the district interinstitutional articulation agreement at any time. Such additions and deletions shall be mutually approved by the superintendent of schools and community college president prior to incorporation into the agreement.

(5) School districts and community colleges may enter into additional interinstitutional articulation agreements with state universities for the purposes of this section. School districts may also enter into interinstitutional articulation agreements with eligible independent colleges and universities pursuant to s. 236.081(1)(h)1.

(6) The Department of Education shall approve any course for inclusion in the dual enrollment program that is contained within the common course designation and numbering system. However, college preparatory and other forms of precollegiate instruction, and physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, shall not be so approved. Recreation and leisure studies courses shall

be evaluated individually in the same manner as physical education courses for potential inclusion in the dual enrollment program.

240.1163. Joint dual enrollment and advanced placement instruction.

(1) Each school district, community college, and state university may conduct advanced placement instruction within dual enrollment courses. Each joint dual enrollment and advanced placement course shall be incorporated within and subject to the provisions of the district interinstitutional articulation agreement pursuant to s. 240.1161. Such agreement shall certify that each joint dual enrollment and advanced placement course integrates, at a minimum, the course structure recommended by the College Board and the structure that corresponds to the common course number.

(2) Each student enrolled in a joint dual enrollment and advanced placement course may be funded pursuant to either the dual enrollment or advanced placement formula specified in s. 236.081; however, no student shall be funded through both programs for enrollment in a course provided through this section. The district school board reporting enrollments for such courses shall utilize the funding formula that more closely approximates the cost of conducting the course. No student shall be reported for advanced placement funding who fails to meet the examination requirement for such funding.

(3) Postsecondary credit for student completion of a joint dual enrollment and advanced placement course shall be awarded, based on the stated preference of the student, as either dual enrollment or advanced placement credit; however, an award of advanced placement credit shall be limited to students who score a minimum of 3, on a 5-point scale, on the Advanced Placement Examination. No student shall claim double credit based on the completion of a single joint dual enrollment and advanced placement course, nor shall any student enrolled pursuant to this section be required to complete the Advanced Placement Examination.

Fla. Stat. Ann. secs. 240.115, .116, .1161 and .1163 (West 1987).

Iowa

Open Enrollment
SF 59

SF 59 allows parents or guardians to enroll their children in any Iowa school district, beginning with the 1990-91 school year. HF 774, the education appropriations bill, included several provisions which amended SF 59.

To be eligible for open enrollment, a parent or guardian must informally notify the district of residence by September 15, of the preceding school year, and must formally notify the district of residence by November 1, of the preceding school year. For the 1990-91 school year, parents and guardians must notify the district of residence by September 15, 1989, and November 1, 1989. After receiving a formal request, the district of residence must transmit a copy of the request to the receiving school district.

During the first two years of implementation, school districts may limit the number of students who transfer to another school under the open enrollment law. For the 1990-91 school year, the district of residence may limit the number of students to no more than 5% of the certified enrollment for the previous year. For the 1991-92 school year, the district of residence may limit the number of students to no more than 10% of the certified enrollment for the previous year.

However, if one child in a family is allowed to transfer to another school district, then other children of school age in the family must also be allowed to transfer to the other district.

If a parent or guardian notifies the district of their intent to enroll a child in another school district, the request must be for a period of four years. However, the four year requirement is waived if a family moves to another school district, if the student graduates within the four year period, or if the receiving school district grants permission to enroll the student in a different school district, which may include the original district of residence.

Local school boards are required to adopt certain policies to implement the open enrollment law. School boards must adopt a policy relating to the order in which requests for enrollment in other districts will be considered. A receiving school district may deny a transfer of a student into the district if there is "insufficient classroom space." School boards are required to adopt a policy which defines this term. A receiving district may also refuse to accept a student from another school district, if the student has been suspended or expelled and has not been reinstated by the sending district.

School districts which are subject to volunteer or court-ordered desegregation plans may choose not to participate in open enrollment during the 1990-91 school year. If a school district chooses not to participate, the district is required to develop a policy for the implementation of open enrollment which would contain objective criteria for determining when a request from a student to transfer would adversely affect a desegregation plan. The policy must also include criteria for placing requests by students to transfer, which do not have an adverse impact on the desegregation plan, in priority order. Additionally, the Act grants the superintendent of a school district with a desegregation plan the authority to deny a request from a student to transfer if the superintendent finds that the transfer would adversely affect the plan, when open enrollment is implemented in that district.

The amount that a district of residence must pay to a receiving district for each pupil who transfers is the sum of the following: an amount equal to the lower district cost per pupil of the two school districts under the school finance formula, moneys received for the non-English speaking weighting, Phase III funds associated with a pupil who transfers, and the actual costs incurred in providing an appropriate program for a child who transfers and requires special education. A child requiring special education may only transfer to a school district which maintains an appropriate program for the child. The Act also requires the district of residence to pay for certain transportation costs.

Except under certain conditions, a student who is in grades nine through 12 in a school district other than the district of residence may not participate in interscholastic athletic contests and competitions during the first year of enrollment. Exceptions to this restriction include: students who have already participated in athletics under a sharing agreement, a student who wishes to participate in a sport not offered by the district of residence, or a student who has paid tuition to attend the receiving district in the previous year.

Several provisions of the Act allow students to enroll in a school district other than the district of residence during the 1989-90 school year. If a parent or guardian had been paying tuition for the child to attend another school district on or before March 25, 1989, the child may continue to attend that school district without paying tuition. If the child had attended a nonpublic school during the 1988-89 school year, and the nonpublic school discontinues the grade or school which the student would have attended during the 1989-90 school year, the student may attend the public school district in which the nonpublic school was located. A student whose district of residence changes by August 1, 1989, may continue to attend school during the 1989-90 school year in the district in which the student had been enrolled.

The Act establishes procedures and timelines for notifying parents or guardians of the acceptance or rejection of a request for transfer, procedures for the notification of and transfer of funds to area education agencies and procedures for appealing the decision of local school boards to the State Board of Education.

Open Enrollment Transportation
SF 59, SF 157
March 10, 1989, May 31, 1989

SF 59 provides that the parent or guardian of a child who is not eligible for the federal free or reduced price lunch program is responsible for transporting the child, without reimbursement, to and from a point on a regular school bus route of the receiving district. A receiving school district is prohibited from sending school vehicles into the district of residence, for the purpose of transporting a pupil to and from school in the receiving district.

If a child is eligible for free or reduced price lunches, the sending district is responsible for providing transportation or paying, generally, the district average per pupil transportation cost to the parent or guardian for transporting the child to and from a point on a regular school bus route of a contiguous district. If a sending district provides transportation to a contiguous district it may deduct the per pupil transportation costs from the tuition paid to the receiving district.

SF 157 includes a provision which prohibits a minors' school license from being issued to a student for the purposes of driving to a school in a district other than the district of residence. Students who are attending school in another school district under the open enrollment law or under a sharing agreement may not obtain a license to drive to and from school.

Postsecondary Enrollment Options
HF 666
July 1, 1989

Chapter 261C of the Code, the Postsecondary Enrollment Options Act, was enacted in 1987 to provide eleventh and twelfth grade students with opportunities to take courses at postsecondary institutions. Chapter 261C was scheduled to sunset on June 30, 1990. HF 666 repeals the sunset clause, and Chapter 261C will continue unless further action is taken by the General Assembly.

Legislative Summary of Iowa SF 59, SF 157, HF 774 and HF 666 (1989).

Illinois

Sec. 2-3.89. The State Board of Education, after consultation with the board of education or school districts organized under Article 34 and other interested school boards, shall study and develop an array of proposed incentive programs that may be utilized by individual school districts to allow families to apply for enrollment of their children in any attendance center within the school district or subdistrict and have their children admitted on a space available basis. The Board shall report its recommendations to the General Assembly by January 1, 1990.

Ill. Rev. Stat. Ch. 122, sec. 2-3.89 (Smith-Hurd Supp. 1988).

7. To divide the city into subdistricts and apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. In dividing the City into subdistricts the board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of subdistricts and attendance areas shall be open to the public. Nothing herein shall limit the Board's authority to establish multi-area attendance centers or other student assignment systems for desegregation purposes or otherwise, and to apportion the pupils to the several schools. Furthermore, beginning in school year 1991-92, pursuant to a board plan developed after consideration of a study by the State Board of Education, the board shall offer, commencing on a phased-in basis, the opportunity for families within the school district to apply for enrollment of their children in any attendance center within the school district which does not have selective admission requirements approved by the board. The appropriate geographical area in which such open enrollment may be exercised shall be determined by the board of education. Such children may be admitted to any such attendance center on a space available basis after all children residing within such attendance center's area have been accommodated. If the number of applicants from outside the attendance area exceed the space available, then successful applicants shall be selected by lottery. The board of education's open enrollment plan must include provisions that allow low income students

to have access to transportation needed to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and Desegregation Plan cited in Section 34-1.01.

Ill. Rev. Stat. Ch. 122, sec. 18-8 (7.) [Smith-Hurd Supp. 1988].

Louisiana

High School Credit for College Courses
(Applies to students attending college part time)

2.105.42 The granting of high school credit for college courses shall be limited to students who have earned 12 or more high school units of credit toward graduation.

2.105.43 These students shall be in attendance in at least one high school class while enrolled in college courses.

2.105.44 A student shall have at least a 3.0 average on a 4.0 scale for all high school courses taken.

2.105.45 The principal of the school shall approve the advanced offering to be taken by the student in college.

2.105.46 The student shall have scored at least a minimum composite score of 24 on the ACT or a minimum of 24 of the area to be pursued at the college level.

2.105.47 The student shall earn at least two or three college hours of credit per semester. A course consisting of at least two college hours shall be counted as no more than one unit of credit toward high school graduation.

2.105.48 The high school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six- or nine-week intervals.

2.105.49 College courses shall be counted as high school subjects for students to meet eligibility requirements to participate in extracurricular activities governed by voluntary State organizations.

High School Credit for College Courses for Evaluated Gifted Students

2.105.50 Credit for college courses to this section shall be limited to gifted students who have met the evaluation criteria and have earned fewer than 12 Carnegie units.

2.105.51 Secondary students shall be in attendance in at least one high school class while enrolled in college classes.

2.105.52 An elementary or secondary student shall have at least a 3.0 cumulative average on a 4.0 scale for all subjects taken during the previous two years.

2.105.53 Entry into a college course for credit shall be stated in the student's Individualized Education Program (IEP).

2.105.54 The student shall earn at least two or three college house of credit per semester. A course, consisting of at least two hours, shall be counted as no more than one unit of credit toward high school graduation.

2.105.55 The school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six- or nine-week intervals.

2.105.56 College courses shall be counted as high school subjects for students to meet eligibility requirements to participate in extracurricular activities governed by voluntary State organizations.

2.105.57 After 12 Carnegie units have been earned, students shall follow standards 2.105.42 -- 2.105.49.

High School Credit for College Courses in Vocational Education
(Applies to students attending college part time)

2.105.58

(1) The granting of high school credit for college courses shall be limited to students who have earned 12 or more high school units of credit toward graduation.
(2) These students shall be in attendance in at least one high school class while enrolled in college courses.
(3) The principal of the school shall approve the advanced offering to be taken by the student in college.
(4) The high school administrator shall establish a procedure with the college to receive reports of the student's class attendance and performance at six- or nine-week intervals.
(5) The awarding of Carnegie units of credit will be in accordance with individual program requirements as stated in Bulletin 741.

If the course content is equivalent to a course of a vocational education offering listed under Standards 2.105.24 -- 2.105.32, the unit(s) of credit shall be reported on the student's transcript by that title.

If the course content is not equivalent to a course listed under Standards 2.105.24 -- 2.105.32, the unit(s) of credit shall be reported by the postsecondary title.

(6) College courses shall be counted as high school subjects for students to meet eligibility requirements in order to participate in extracurricular activities governed by voluntary State organizations.

La. Dept. of Educ., Bulletin 741, Louisiana Handbook for School Administrators, sec. 2.105.42--.58 (1987)

Early College Admissions Policy
(Applies only to high school students attending college full time)

2.108.00 High school students of high ability may be admitted to a college on a full-time basis.

2.108.01 A student shall have maintained a "B" or better average on all work pursued during three years (six semesters) of high school.

2.108.02 A student shall have earned a minimum composite score of 24 on the ACT, and this score must be submitted to the college.

2.108.03 A student shall be recommended by his high school principal.

2.108.04 Upon earning a minimum of 24 semester hours at the college level, the student shall be eligible to receive a high school diploma.

2.108.05 A student not regularly enrolled in the current school year in the high school shall be automatically eliminated from participation in all high school activities, with the exception of high school graduation ceremonies.

La. Dept. of Educ., Bulletin 741, Louisiana Handbook for School Administrators, secs. 2.108.00--.05 (1987).

Maine

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA c. 208 is enacted to read:

CHAPTER 208

POSTSECONDARY ENROLLMENT OPTIONS ACT

§4751. Citation

This chapter may be cited as the "Post-secondary Enrollment Options Act."

§4752. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Course. "Course" means a course or program offered by an eligible institution.

2. Eligible institution. "Eligible institution" means a public 2-year or 4-year post-secondary institution in the State.

§4753. Eligibility; notification; rules

1. Students. Students may take courses at eligible institutions under this chapter if they meet the admissions requirements of the institution and the requirements of their school administrative unit, established under subsection 3.

2. Eligible institutions. Eligible institutions which admit students under this chapter shall send written notice to the student, the school administrative unit in which the student normally attends school and the commissioner of:

A. The notification shall include a description of the course, the number of course hours, the date and time of classes, examinations and vacations; and

B. Formally reported interim and final grades.

3. Participating school administrative units. School administrative units shall count credits earned in eligible institutions toward high school graduation requirements in accordance with the following.

A. The school administrative unit has adopted a policy to allow students to participate under this chapter.

B. The school unit shall establish rules governing the following:

(1) Criteria for student participation under this chapter. Participation may not be limited to gifted and talented students;

(2) The method of determining the high school credit given for the course;

(3) An attendance policy; and

(4) A needs-based method of paying any or all of the cost of textbooks, course fees and transportation for students participating under this chapter.

C. The school unit shall provide counseling or guidance services to the students and their parents before the students enroll in a course. This shall include:

(1) Information on the Postsecondary Enrollment Options Act;

(2) An assessment of the students strengths and appropriateness of the student taking a course;

(3) Information on how courses fit in with the school unit's high school graduation requirements; and

(4) A plan as how a particular course to be attended would fit in with the student meeting the school units graduation requirements.

§4754. Dissemination of information

School units shall provide general information about the options available to parents and students.

§4755. Credits

1. High school credit. A school unit shall grant academic credit toward a high school diploma in accordance with rules established under section 4753, subsection 3, for a student who successfully completes a course under this chapter.

2. Post-secondary credit. The eligible post-secondary institution shall grant full credit to any student who successfully completes a course at the institution under this chapter. The course shall count toward graduation requirements at the institution in which it was taken or be transferrable to another post-secondary institution on an equal basis with a course taken by any other student at the institution.

§4756. Financial arrangement

1. Distribution of costs. Costs shall be distributed in the following manner.

A. If an eligible institution requires tuition payment, a school administrative unit may pay up to the instate tuition rate for courses attended by students under this chapter.

B. An eligible institution may not assess fees unrelated to the courses attended by a student participating under this chapter.

C. The student or student's parents shall pay for textbooks, course fees and transportation costs. A school unit may pay all or part of these expenses in accordance with rules established under section 4753, subsection 3.

D. Tuition; textbooks; course fees; transportation costs. The tuition, textbooks, course fees and transportation costs paid by a school unit are allowable program costs under section 15603, subsection 22, paragraph E.

§4760. Evaluation

The department shall evaluate the program and submit a report to the joint standing committee of the Legislature having jurisdiction over education on the implementation of this chapter by January 15, 1989. This evaluation shall include at a minimum information on the rules established by school administrative units governing student participation in the program, the guidelines suggested by the commissioner, the number of students participating in the program, appropriate statistics on the number of courses taken each semester and year per student, the grades received by students, the number failing to complete courses in which they enrolled, an analysis of the reasons for noncompletion and the cost of the program to the eligible institutions, school administrative units, the State and students or students' parents.

Me. Rev. Stat. Ann. tit. 20-A, secs. 4751-4756, 4760 (1987).

Minnesota

123.3514. Post-secondary enrollment options act

Subdivision 1. Citation. This section may be cited as the "post-secondary enrollment options act."

Subd. 2. Purpose. The purpose of this section is to promote rigorous academic pursuits and to provide a wider variety of options to high school pupils by encouraging and enabling secondary pupils to enroll full time or part time in nonsectarian courses or programs in eligible post-secondary institutions, as defined in subdivision 3.

Subd. 3. Definitions. For purposes of this section, an "eligible institution" means a Minnesota public post-secondary institution or a private, residential, two-year or four-year, liberal arts, degree-granting college or university located in Minnesota. "Course" means a course or program.

Subd. 4. Authorization; notification. Notwithstanding any other law to the contrary, an 11th or 12th grade pupil may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered at that post-secondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school district, and the commissioner of education within ten days of acceptance. The notice shall indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for post-secondary credit, the institution shall notify the pupil about payment in the customary manner used by the institution.

Subd. 4a. Counseling. To the extent possible, the school district shall provide counseling services to pupils and their parents or guardian before the pupils enroll in courses under this section to ensure that the pupils and their parents or guardian are fully aware of the risks and possible consequences of enrolling in post-secondary courses. The district shall provide information on the program including who may enroll, what institutions and courses are eligible for participation, the decision-making process for granting academic credits, financial arrangements for tuition, books and materials, eligibility criteria for transportation aid, available support services, the need to arrange an appropriate schedule, consequences of failing or not completing a course in which the pupil enrolls, the effect of enrolling in this program on the pupil's ability to complete the required high school graduation requirements, and the academic and social responsibilities that must be assumed by the pupils and their parents or guardian. The person providing counseling shall encourage pupils and their parents or guardian to also use available counseling services at the post-secondary institutions before the quarter or semester of enrollment to ensure that anticipated plans are appropriate.

Prior to enrolling in a course, the pupil and the pupil's parents or guardian must sign a form that must be provided by the district and may be obtained from a post-secondary institution stating that they have received the information specified in this subdivision and that they understand the responsibilities that must be assumed in enrolling in this program. The department of education shall, upon request, provide technical assistance to a district in developing appropriate forms and counseling guidelines.

Subd. 4b. Dissemination of information; notification of intent to enroll. By March 1 of each year, a school district shall provide general information about the program to all pupils in grades 10 and 11. To assist the district in planning, a pupil shall inform the district by March 30 of each year of the pupil's intent to enroll in post-secondary courses during the following school year. A pupil is not bound by notifying or not notifying the district by March 30.

Subd. 4c. Limit on participation. A pupil who first enrolls in grade 11 may not enroll in post-secondary courses under this section for secondary credit for more than the equivalent of two academic years. A pupil who first enrolls in grade 12 may not enroll in post-secondary courses under this section for secondary credit for more than the equivalent of one academic year. If a pupil in grade 11 or 12 first enrolls in a post-secondary course for secondary credit during the school year, the time of participation shall be reduced proportionately.

Subd. 4d. Enrollment priority. A post-secondary institution shall give priority to its post-secondary students when enrolling 11th and 12th grade pupils in courses for secondary credit. Once a pupil has been enrolled in a post-secondary course under this section, the pupil shall not be displaced by another student.

Subd. 5. Credits. A pupil may enroll in a course under this section for either secondary credit or post-secondary credit. At the time a pupil enrolls in a course, the pupil shall designate whether the course is for secondary or post-secondary credit. A pupil taking several courses may designate some for secondary credit and some for post-secondary credit.

A school district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. A school district shall also grant academic credit to a pupil enrolled in a course for post-secondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the state board of education shall determine the number of credits that shall be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the school board's decision to the state board of education. The state board's decision regarding the number of credits shall be final.

The secondary credits granted to a pupil shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and secondary credits granted shall be included in the pupil's secondary school record. Upon the request of a pupil, the pupil's secondary school record shall also include evidence of successful completion and credits granted for a course taken for post-secondary credit. In either case, the record shall indicate that the credits were earned at a post-secondary institution.

If a pupil enrolls in a post-secondary institution after leaving secondary school, the post-secondary institution shall award post-secondary credit for any course successfully completed for secondary credit at that institution. Other post-secondary institutions may award, after a pupil leaves secondary school, post-secondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.

Subd. 6. Financial arrangements. At the end of each school year, the department of education shall pay the tuition reimbursement amount within 30 days to the post-secondary institutions for courses that were taken for secondary credit. The amount of tuition reimbursement shall equal the lesser of:

(1) the actual costs of tuition, textbooks, materials, and fees directly related to the course taken by the secondary pupil; or

(2) an amount equal to the difference between the basic revenue of the district for that pupil and an amount computed by multiplying the basic revenue of the district for that pupil by a ratio. The ratio to be used is the total number of hours that the pupil is enrolled in courses in the secondary school during the regular school year over the total number of secondary instructional hours per pupil in that pupil's resident district.

The amount paid for each pupil shall be subtracted from the general education aid paid to the pupil's resident district. If the amount to be subtracted is greater than the amount of general education aid due the district, the excess reduction shall be made from other state aids due to the district. If a pupil is enrolled in a course for post-secondary credit, the school district shall include the pupil in the average daily membership only for the portion of time during which the pupil is enrolled in courses at the secondary school and enrolled in courses at a post-secondary institution for secondary credit.

The department shall not pay any tuition reimbursement or other costs of a course taken for post-secondary credit only.

Subd. 6a. Grants and financial aid prohibited. A pupil enrolled in a post-secondary course for secondary credit is not eligible for any state student financial aid under chapter 136A.

Subd. 6b. Financial arrangements, pupils age 21 or over. At the end of each school year, the department of education shall pay the tuition reimbursement amount to the post-secondary institutions for courses taken to fulfill high school graduation requirements by pupils eligible for adult high school graduation aid. The amount of the tuition reimbursement equals the lesser of:

(1) the actual costs of tuition, textbooks, materials, and fees directly related to the course or program taken by the pupil; or

(2) an amount equal to the difference between the adult high school graduation aid attributable to that pupil and an amount computed by multiplying the adult high school graduation aid by the ratio of the total number of hours that the pupil is enrolled in courses in the secondary school during the regular school year over the total number of secondary instructional hours per pupil in that pupil's resident district.

The amount of tuition reimbursement paid for each pupil shall be subtracted from the adult high school graduation aid paid to the pupil's resident district. If a pupil is enrolled in a course for post-secondary credit, the school district shall include the pupil in average daily membership as computed under section 120.17, subdivision 1, only for the portion of time during which the pupil is enrolled in courses at the secondary school and enrolled in courses at the post-secondary institution for secondary credit.

The department must not pay any tuition reimbursement or other costs of a course taken for post-secondary credit only.

Subd. 7. Fees; textbooks; materials. A post-secondary institution that receives reimbursement for a pupil under subdivision 6 may not charge that pupil for fees, textbooks, materials, or other necessary costs of the course or program in which the pupil is enrolled if the charge would be prohibited under section 120.74, except for equipment purchased by the pupil that becomes the property of the pupil.

Subd. 8. Transportation. A parent or guardian of a pupil enrolled in a course for secondary credit may apply to the pupil's district of residence for reimbursement for transporting the pupil between the secondary school in which the pupil is enrolled and the post-secondary institution that the pupil

attends. The state board of education shall establish guidelines for providing state aid to districts to reimburse the parent or guardian for the necessary transportation costs, which shall be based on financial need. The state shall pay aid to the district according to the guidelines established under this subdivision. Chapter 14 does not apply to the guidelines.

Subd. 9. Exception; intermediate districts. A secondary pupil who is a resident of a member district of an intermediate district, as defined in section 136C.02, subdivision 7, may not enroll in that intermediate district's vocational program as a post-secondary pupil under this section.

Subd. 10. Limit; state obligation. The provisions of subdivisions 6, 7, 8, and 9 shall not apply for any post-secondary courses in which a pupil is enrolled in addition to being enrolled full time in that pupil's district or for any post-secondary course in which a pupil is enrolled for post-secondary credit.

Minn. Stat. Ann. sec. 123.3514 (1989).

123.3515. School district enrollment options program

Subdivision 1. Establishment. (a) An enrollment options program for school districts, in which a school district may voluntarily participate, is established under this section, and includes those districts not participating in the enrollment options program under section 120.062. A participating district must include all grade levels offered by the district. By formal resolution, a participating district must agree to:

(1) allow its resident pupils to enroll in other participating districts;

(2) accept nonresident pupils from other participating districts; and

(3) follow the procedures in this section.

(b) A nonparticipating district shall notify the commissioner by September 30 of its participation in the program during the following school year.

Subd. 2. Pupil application. A pupil who resides in a participating district may enroll according to this section in a participating nonresident district. The pupil's parent or guardian must apply to the nonresident district on a form provided by the department of education. The application must be submitted to the nonresident district by January 1 for enrollment during the following school year.

Subd. 3. Nonresident district procedures. Within ten days of receiving an application, a nonresident district shall notify the resident district that it has received the application. The nonresident district shall notify the parent or guardian and the resident district by February 1 whether the pupil's application has been approved or disapproved.

Subd. 4. Basis for approval. A nonresident district must adopt criteria for approving and disapproving applications. A nonresident district may disapprove an application because of lack of space in the district. It may also

disapprove an application for a particular program or school because of lack of space in the program or school. A district that has a desegregation plan may approve and disapprove applications according to subdivision 5.

Subd. 5. Racial balance. A school district that has a desegregation plan may limit the number of pupils who transfer into or out of the district. An application to transfer into or out of a desegregation district shall be submitted to that district by December 1 of each year for enrollment during the following school year. If approval of all of the applications would result in the district being out of compliance with its desegregation plan, the district shall establish the number of majority and minority group pupils who may transfer into or out of the district. The district may approve or disapprove the applications in a manner that will enable compliance with the desegregation plan. The district shall notify the parent or guardian by December 20 whether the pupil's application has been approved or disapproved.

Subd. 6. Transportation. A parent or guardian may apply to the nonresident district for reimbursement for transportation costs between the pupil's residence and the border of the nonresident district. The state board shall establish guidelines for reimbursing the transportation costs based on financial need. Chapter 14 does not apply to the guidelines.

Subd. 7. Credits; graduation. A pupil who has been enrolled in a nonresident district and who has met the district's graduation requirements shall be granted a diploma by that district. The district shall accept credits toward graduation requirements that were awarded by another district.

Subd. 8. Information. A participating district must make information about the district, schools, programs, policies, and procedures available to all interested people.

Subd. 9. Aid. General education aid, capital expenditure aid, and transportation aid attributable to pupils covered by programs under this section must be paid according to sections 124A.036, subdivision 5, 124.245, subdivision 6, and 124.225, subdivision 81, respectively.

Minn. Stat. Ann. 123.3515 (1989).

120.062. Enrollment options program

Subdivision 1. Certain districts excluded. For the 1989-1990 school year only, this section applies to a district that has more than 1,000 actual pupil units in kindergarten through grade 12.

Text of subd. 1 is repealed by Laws 1988, c. 718, art. 7, subd. 65, effective June 30, 1990.

Subd. 2. Establishment. An enrollment options program is established to enable any pupil to attend a school or program in a district in which the pupil does not reside, subject to the limitations in this section.

Subd. 3. Closed districts. A school board may, by resolution, determine that nonresident pupils may not attend any of its schools or programs according to this section.

Subd. 4. Pupil application procedures. In order that a pupil may attend a school or program in a nonresident district, the pupil's parent or guardian must submit an application to the nonresident district. The parent or guardian of a pupil residing in a district that does not have a desegregation plan approved by the state board of education must submit an application by January 1 for enrollment during the following school year. The parent or guardian of a pupil residing in a district that has a desegregation plan approved by the state board of education may apply to a district at any time. The application shall be on a form provided by the department of education. A particular school or program may be requested by the parent.

Subd. 5. Desegregation plans. A district that has a desegregation plan approved by the state board of education may limit the number of pupils who transfer into or out of the district. To remain in compliance with its desegregation plan, the district may establish the number of majority and minority group pupils who may transfer into or out of the district. The district may accept or reject applications in a manner that will enable compliance with the desegregation plan. The district shall notify the parent or guardian and the resident district according to the requirements of subdivision 6.

Subd. 6. Nonresident district procedures. Within 60 days of receiving an application, a district that does not exclude nonresident pupils, according to subdivision 3, shall notify the parent or guardian and the resident district in writing whether the application has been accepted or rejected. If an application is rejected, the district must state in the notification the reason for rejection.

Subd. 7. Basis for decisions. The school board must adopt, by resolution, specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building. Standards may not include previous academic achievement, athletic or other extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.

Subd. 8. Waiver of deadlines. Upon agreement of the resident and nonresident school boards, if applicable, the deadlines in subdivisions 4 and 6 may be waived.

Subd. 9. Transportation. If requested by the parent of a pupil, the nonresident district shall provide transportation within the district. The state shall pay transportation aid to the district according to section 124.225.

The resident district is not required to provide or pay for transportation between the pupil's residence and the border of the nonresident district. A parent may be reimbursed by the nonresident district for the costs of transportation from the pupil's residence to the border of the nonresident district if the pupil is from a family whose income is at or below the poverty level, as determined by the federal government.

Subd. 10. Credits toward graduation. A nonresident district shall accept credits toward graduation that were awarded by another district. The nonresident district shall award a diploma to a nonresident pupil if the pupil meets its graduation requirements.

Subd. 11. Information. A district that does not exclude nonresident pupils according to subdivision 3 shall make information about the district, schools, programs, policies, and procedures available to all interested people.

Subd. 12. General education aid. Adjustments to general education aid for the resident and nonresident districts shall be made according to section 124A.036, subdivision 5.

Minn. Stat. Ann. 120.062 (1989).

126.22. High school graduation incentives program

Subdivision 1. Purpose. The legislature finds that it is critical for persons to obtain at least a high school education to function in today's society. Therefore, the purpose of this section is to provide incentives for and encourage all Minnesota students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs in order to complete their high school education.

Subd. 2. Eligible pupils. The following pupils are eligible to participate in the high school graduation incentives program:

(a) any pupil who is between the ages of 12 and 16 and who:

(1) is at least two grade levels below the performance level for pupils of the same age in a locally determined achievement test; or

(2) is at least one year behind in obtaining credits for graduation; or

(3) is pregnant or is a parent; or

(4) has been assessed as chemically dependent; or

(5) has been absent from attendance at school without lawful excuse for more than 15 consecutive school days in the preceding or current school year;

(b) any pupil who is between the ages of 16 and 19 who is attending school, and who is at least two grade levels below the performance level for pupils of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or is pregnant or is a parent, or has been assessed as chemically dependent; or

(c) any person between 16 and 21 years of age who has not attended a high school program for at least 15 consecutive school days, excluding those days when school is not in session, and who is at least two grade levels below the performance level for pupils of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or has been assessed as chemically dependent; or

(d) any person who is at least 21 years of age and who:

(1) has received less than 14 years of public or nonpublic education, beginning at age 5;

(2) has already completed the studies ordinarily required in the 10th grade but has not completed the requirements for a high school diploma or the equivalent; and

(3) at the time of application, (i) is eligible for unemployment compensation benefits or has exhausted the benefits, (ii) is eligible for or is receiving income maintenance and support services, as defined in section 268.0111, subdivision 5, or (iii) is eligible for services under the displaced homemaker program, state wage-subsidy program, or any programs under the federal Jobs Training Partnership Act or its successor.

Notwithstanding section 127.27, subdivision 7, the provisions of section 127.29, subdivision 1, do not apply to pupils age 17 and older who participate in the high school graduation incentives program.

Subd. 3. Eligible programs. (a) A pupil who is eligible according to subdivision 2, clause (a), (b), (c), or (d) may enroll in any program approved by the state board of education under Minnesota Rules, part 3500.3500, including area learning centers under sections 129B.52 to 129B.55, or according to section 121.11, subdivision 12.

(b) A pupil who is eligible according to subdivision 2, clause (b), (c), or (d) may enroll in secondary school courses upon a resolution passed by a school board approving enrollment, or may enroll in postsecondary courses under section 123.3514.

(c) A pupil who is eligible under subdivision 2, clause (a), (b), (c), or (d) may enroll in any public secondary education program.

An eligible institution providing eligible programs as defined in this subdivision may contract with an entity providing adult basic education programs under the community education program contained in section 121.88 for actual program costs.

Subd. 4. Pupil enrollment. Any eligible pupil under subdivision 2 may apply to enroll in an eligible program under subdivision 3, using the form specified in section 120.0752, subdivision 2. Notwithstanding section 120.0752, approval of the resident district is not required for an eligible pupil under subdivision 2 to enroll in a nonresident district that has an eligible program under subdivision 3 or an area learning center established under section 129B.52.

Subd. 5. Dissemination of information. A school district shall disseminate information, developed by the department of education, about the high school graduation incentives program to residents in the district who are under the age of 21.

Subd. 6. Desegregation plans. Notwithstanding any provision to the contrary, students may not enroll in a nonresident district under this section if their enrollment in another school district would result in a violation of a

district's desegregation plan, as mandated and approved by the state board of education.

Subd. 7. Aid adjustments. General education aid, capital expenditure aid, and transportation aid attributable to a pupil covered by programs under this section must be paid according to sections 124A.036, subdivision 5, 124.245, subdivision 6, and 124.225, subdivision 8l, respectively.

Minn. Stat. Ann., sec. 126.22 (1989).

Nebraska

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature hereby finds and declares that parents and legal guardians have the primary responsibility of ensuring that their children receive the best education possible. In recognition of this responsibility, the Legislature intends to provide educational options for parents and legal guardians, when deciding what public school or public school district is best for their children, by allowing them to consider the following factors, including, but not limited to:

(1) The size of the schools and school districts in the area;

(2) The distance children have to travel and the ease and availability of transportation;

(3) The course offerings and extracurricular offerings of the schools and school districts in the area;

(4) The quantity and quality of the staff at such schools and school districts; and

(5) The performance of the school district on any indicators of performance established by the State Department of Education.

Section 2. For purposes of sections 1 to 17 of this act:

(1) Enrollment option program shall mean the program established in section 3 of this act;

(2) Option school district shall mean the school district that a student chooses to attend other than his or her resident school district;

(3) Option student shall mean a student that has chosen to attend a school district other than his or her resident school district; and

(4) Resident school district shall mean the school district in which a student resides.

Section 3. An enrollment option program is hereby established to enable any student to attend a school in a school district in which the student does not reside subject to the limitations prescribed in section 7 of this act. The option shall be available only once to each student prior to graduation unless the student relocates in a different resident school district. This program shall not apply to any student in the ninth, tenth, eleventh, or twelfth grade who resides in a Class I school district that is not part of a Class VI school district.

Section 4. For purposes of all duties, entitlements, and rights established by law, including special education as provided in section 79-3320, except transportation as provided in section 10 of this act, option students shall be treated as resident students of the option school district.

Section 5. (1) For the 1990-91 school year, participation in the enrollment option program shall be voluntary and shall be agreed upon by both the resident school district and the option school district.

(2) For the 1991-92 school year, participation in the enrollment option program shall be voluntary on the part of the option school district. The resident school district shall be required to participate in the program until more than five percent of the students choose to attend option school districts at which time the resident school district may choose not to participate further in the program.

(3) For the 1992-93 school year, participation in the enrollment option program shall be voluntary on the part of the option school district. The resident school district shall be required to participate in the program until more than ten percent of the students choose to attend option school districts at which time the resident school district may choose not to participate further in the program.

(4) Beginning with the 1993-94 school year, the enrollment option program shall be implemented by all public school districts.

Section 6. For a student to attend a school in an option school district, the student's parent or legal guardian shall initially submit an application to the school board or board of education of the option school district and of the resident school district and to the State Department of Education by January 1 for enrollment during the following and subsequent school years. The application shall set forth in detail the substantial educational opportunity available to the option student in the option school district that is unavailable in the resident school district. A particular school may be requested, but the school assignment of the option student shall be determined by the option school district.

The student shall attend the option school district until graduation or relocation in a different resident school district unless the student chooses to return to the resident school district in which case, the student's parent or legal guardian shall submit a cancellation form to the school board or board of education of the option school district and the resident school district and to the department by January 1 for automatic approval for the following school year. No student shall attend an option school district for less than one school year unless he or she relocates to a different resident school district or completes requirements for graduation prior to the end of his or her senior year.

The application and cancellation forms shall be prescribed and furnished by the State Department of Education.

Section 7. The school board or board of education of the option school district shall adopt by resolution specific standards for acceptance and rejection of applications. Standards may include the capacity of a program, class, grade level, or school building or the availability of appropriate special education programs. The school board or board of education of the option school district may by resolution declare a program, a class, or a school unavailable to option students due to lack of capacity. Standards shall not include previous academic achievement, athletic or other extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.

It shall be unlawful for any employee, agent, or legal representative of any school district to initiate any contact by personal visitation, phone call, written correspondence, or public advertisement with any parent, legal guardian, or student residing in any other school district for purposes of encouraging such

parent or legal guardian to send his or her student to or encouraging such student to attend the school district of such employee, agent, or legal representative.

A school district that has a desegregation plan adopted by the school board or the board of education or ordered by the federal court may limit the number of students who transfer into or out of the school district. The school board or board of education of such school district shall adopt specific standards for acceptance and rejection of applications for transfer into or out of such district. Standards shall be designed to facilitate the school district's desegregation plan and maintain or improve the integration of the school district.

Any option school district shall give first priority for enrollment to option students whose request for enrollment would aid the racial integration of the option school district and the resident school district.

For purposes of this section, racial integration is aided if a student transfers to an option school district in which his or her race is a smaller percentage of the total student enrollment of the option school district than it is of the student's resident school district.

Section 8. On or before April 1, the option school district shall notify the parent or legal guardian of the student, the resident school district, and the State Department of Education, in writing, whether the application is accepted or rejected. If an application is rejected, the option school district shall state in the notification the reason for the rejection. The parent or legal guardian may appeal a rejection to the State Board of Education within thirty days of the date the notification of the rejection was sent. Such hearing shall be held in accordance with the Administrative Procedure Act and shall determine whether the procedures of sections 3 to 9 of this act have been followed.

Section 9. Upon agreement of the school boards or boards of education of the resident school and option school districts, the deadlines for application and approval or rejection in sections 6 and 8 of this act may be waived.

Section 10. Sections 79-490 and 79-3322 shall not apply to the transportation of an option student. The parent or legal guardian of the option student shall be responsible for required transportation. A school district may upon mutual agreement with the parent or legal guardian of a student provide transportation to the option student.

Section 11. A student in the ninth, tenth, eleventh, or twelfth grade who transfers to an option school district shall be ineligible to compete in athletic competition sponsored by the option school district, the resident school district, or both for one school year after his or her attendance in the option school district begins, except that (1) this waiting period shall not apply if the resident school district and option school district have joint teams and (2) the resident school district may waive the waiting period upon a determination by the resident school district that the transfer was sought and granted for the purpose of improvement of educational opportunities for the student unrelated to participation in such athletic competition. No such ineligibility shall occur when the option student returns to his or her resident school district if such student submits a cancellation form.

Section 12. An option school district shall accept credits toward graduation that were awarded by another school district. The option school district shall award a diploma to an option student if the student meets its graduation requirements.

Section 13. A school district shall make information about the school district and its schools, programs, policies, and procedures available to all interested people.

Section 14. The enrollment option program shall not preclude a school district from contracting with other school districts, educational service units, or other state-approved entities for the provision of services.

Section 15. The resident school district shall, for each option student who resides in such school district, including option students who are handicapped, remit to the option school district in two equal payments, with the first payment on or before January 15 and the second payment on or before June 15 of each school year, an amount equal to the appropriate rate as established in subdivisions (1) through (4) of section 79-1334 plus the appropriate rate as established in subsection (1) of section 79-1336. The State Department of Education shall notify every school district by July 15 of each year regarding the rates calculated pursuant to such sections for the upcoming school year. The resident school district shall count all students, regardless of whether they attend an option school district, when making calculations for the School Foundation and Equalization Act.

If an option student relocates in a different school district during the school year, the resident school district shall prorate the amount remitted to the option school district pursuant to this section according to the proportionate amount of time the student attended the option school district.

Section 16. The State Department of Education shall reimburse each option school district for special education programs provided to option students in accordance with section 79-3332.

The resident school district of an option student shall be exempted from the payment responsibility set forth in section 79-3330.

For purposes of calculation to determine reimbursement pursuant to section 79-3332, the option school district shall not include the adjusted average per pupil cost, as defined in section 79-3304, of option handicapped students. The resident school district shall include such adjusted average per pupil cost when determining such reimbursement for each Level II handicapped student attending an option school district. Any resident school district in which the adjusted average per pupil cost exceeds the amount of reimbursement due, as calculated pursuant to section 79-3332, shall remit the difference to the State Treasurer for credit to the Special Education Enrollment Options Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 71-1276.

Section 17. By September 1, 1991, and each year thereafter until 1995, the State Department of Education shall provide a report to the Legislature concerning the operation of the enrollment option program over the previous year. The report shall include, but not be limited to, the following information:

(1) The number of students who applied to attend an option school district and the number of students whose applications were approved by each option school district;

(2) The educational reasons listed for the transfer to option school districts;

(3) The number of students whose applications were rejected by option school districts and the reasons for the rejections;

(4) The number of appeals regarding the rejection of applications before the State Board of Education and the number of appeals which were successful;

(5) Which school districts participated in the enrollment option program and the number of students from each resident school district who transferred to an option school district;

(6) Any problems that the department became aware of regarding the enrollment option program and suggestions for improvement in the current provisions of the program; and

(7) Any other pertinent data that would help the Legislature refine the enrollment option program.

Section 18. The Education Committee of the Legislature shall conduct a study during the 1989 interim of issues relating to providing students the option of attending a school district outside their place of residence. The study shall include input from educators and parents representing schools of all sizes within the state and data concerning the effect of such a program in any state which has studied this issue or currently has such a program. It shall include, but not be limited to, study of the following issues:

(1) Whether such a program will result in improved educational opportunities for individual students;

(2) Whether such a program will result in the closing of smaller schools;

(3) Whether such a program will result in improvement or cause deterioration of the educational quality of rural schools;

(4) Whether such a program will lead to recruiting of students with special skills and talents;

(5) Whether such a program will lead to deterioration of the financial base of rural schools;

(6) Whether it is feasible to offer transportation based on need to option students as defined in section 2 of this act; and

(7) Whether the provisions of sections 1 to 17 of this act satisfactorily deal with concerns regarding racial integration.

Upon completion of the study, the committee shall make a report of its findings and recommendations to the Legislature on or before January 1, 1990.

Nebraska Legislative Bill 183 (1989).

Ohio

Sec. 3313.97. (A) As used in this section:

(1) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(2) "Alternative school" means a school building other than the one to which a student is assigned by the district superintendent.

(3) "IEP" means an individualized education program defined by division (E) of section 3323.01 of the Revised Code.

(B) The board of education of each city, local, and exempted village school district shall adopt an open enrollment policy allowing students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, effective with the school year that begins July 1, 1993, to enroll in an alternative school. Each policy shall provide for the following:

(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if he wishes to attend an alternative school.

(2) Procedures for admitting applicants to alternative schools, including but not limited to:

(a) the establishment of district capacity limits by grade level, school building, and education program;

(b) a requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;

(c) procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) The procedures for admitting applicants to alternative schools shall not include:

(1) any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) limitations on admitting applicants because of handicapping conditions, except that a board may require a student receiving services under Chapter 3323 of the Revised Code to attend school where the services described in the student's IEP are available;

(3) a requirement that the student be proficient in the English language;

(4) rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.

(D) Notwithstanding Chapter 3327 of the Revised Code, a district board is not required to provide transportation to a nonhandicapped student enrolled in an alternative school unless such student can be picked up and dropped off at a regular school bus stop designated in accordance with the board's transportation policy or unless the board is required to provide additional transportation to the student in accordance with a court-approved desegregation plan.

(E) Each school board shall provide information about the policy adopted under this section and the application procedures and deadlines to the parent of each student in the district and to the general public.

(F) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies.

Sec. 3313.98. (A) As used in this section and section 3313.981 of the Revised Code:

(1) "Parent" has the meaning given in section 3313.64 of the Revised Code.

(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.

(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjusted formula amount" means the dollar formula amount specified in section 3317.022 of the Revised Code multiplied by the school district equalization factor for a district defined in division (E) of section 3317.02 of the Revised Code.

(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the director of the office of community services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

(7) "IEP" means an individualized education program defined by division (E) of section 3323.01 of the Revised Code.

(B) The board of education of each city, local, and exempted village school district shall adopt a resolution pertaining to enrollment of students from adjacent districts. The resolution shall, beginning with the school year that begins July 1, 1993, either entirely prohibit the enrollment of students from adjacent districts or shall permit enrollment of students from all adjacent districts in accordance with a policy contained in the resolution. A policy permitting enrollment of students from adjacent districts shall provide for all of the following:

(1) Application procedures, including deadlines for application and for notification of students and the superintendents of adjacent districts whenever an adjacent district student's application is approved.

(2) Procedures for admitting applicants from adjacent schools free of any tuition obligation to the district's schools, including but not limited to:

(a) the establishment of district capacity limits by grade level, school building and education program;

(b) a requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent district students previously enrolled in the district shall receive preference over first-time applicants;

(c) procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) The procedures for admitting adjacent district students shall not include:

(1) any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) limitations on admitting applicants because of handicapping conditions, except that a board may refuse to admit an adjacent district student receiving services under Chapter 3323 of the Revised Code, if the services described in the student's IEP are not available in the district's schools;

(3) a requirement that the student be proficient in the English language;

(4) rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the adjacent district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

(D) Each school board shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(E) Any school board shall accept all credits toward graduation earned in adjacent district schools by an adjacent district student or a native student.

(F) (1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent district that has adopted a policy permitting such enrollment, except that:

(a) a district may object to the enrollment of a native student in an adjacent district in order to maintain an appropriate racial balance;

(b) the board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent districts if at least ten percent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The state board of education shall monitor school districts to ensure compliance with this section and the districts' policies. The board may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent district students. If the state board adopts such rules, no school board shall adopt a policy that conflicts with those rules.

Sec. 3313.981. (A) The state board shall adopt rules requiring the board of each city, exempted village, and local school district to annually report the number of adjacent district students enrolled in the district and the number of native students enrolled in adjacent districts, in accordance with a policy adopted under section 3313.98 of the Revised Code. The rules shall provide for the method of counting students who are enrolled for part of a school year in an adjacent district.

(B) From the payments made to a district under Chapter 3317. of the Revised Code, the department of education shall annually subtract both of the following:

(1) an amount equal to the number of the district's native students reported under division (A) of this section who are enrolled in adjacent school districts multiplied by the adjusted formula amount for the district;

(2) the excess costs computed in accordance with division (F) of this section for any such native students receiving special education and related services in adjacent school districts.

(C) To the payments made to a district under Chapter 3317. of the Revised Code, the department of education shall annually add both of the following:

(1) an amount equal to the number of adjacent district students reported under division (A) of this section enrolled in the district multiplied by the adjusted formula amount for the district;

(2) the excess costs computed in accordance with division (D) of this section for any adjacent district students receiving special education and related services in the district.

(D) A board providing special education and related services to an adjacent district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:

(1) subtract the adjusted formula amount for the district from the actual costs to educate the student;

(2) from the amount computed under division (D) (1) of this section subtract the amount of any funds received by the district under Chapter 3317.

of the Revised Code to provide special education and related services to the student.

The board shall report the excess costs computed under this division to the department of education.

(E) Notwithstanding section 3317.03 of the Revised Code:

(1) No school district shall count any adjacent district student reported under Division (A) of this section in its ADM certified under section 3317.03 of the Revised Code.

(2) Each school district shall count in its ADM certified under such section, any native student enrolled in the schools of an adjacent district under section 3313.98 of the Revised Code.

(F) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a school board enrolling an adjacent district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received under division (K) of section 3317.024 of the Revised Code for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3365.01. As used in sections 3365.02 to 3365.09 of the Revised Code:

(A) "College" means any state-assisted college or university described in section 3333.041 of the Revised Code and any nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code.

(B) "School district" means the school district to which a student is admitted under section 3313.64, 3313.65, 3317.08, or 3313.98 of the Revised Code.

(C) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(D) "Participant" means a student enrolled in a college under the post-secondary enrollment options program established by this chapter.

(E) "Secondary grade" means the eleventh and twelfth grades.

Sec. 3365.02. There is hereby established the post-secondary enrollment options program under which a secondary grade student may enroll at a college, on a full- or part-time basis, and complete nonsectarian courses for high school and college credit.

The state board of education, after consulting with the board of regents, shall adopt rules governing the program. The rules shall include:

(A) Requirements for school districts to provide information about the program prior to the first day of March of each year to all district students enrolled in grades ten and eleven.

(B) A requirement that a student or his parent inform the district board of education by the thirtieth day of March of the student's intent to participate in the program during the following school year. The rule shall not require a student to be bound by notifying or not notifying the district by that date.

(C) Requirements that school districts provide counseling services to students in grades ten and eleven and to their parents before the students participate in the program under this chapter to ensure that students and

parents are fully aware of the possible risks and consequences of participation. Counseling information shall include without limitation:

(1) program eligibility;

(2) the process for granting academic credits;

(3) financial arrangements for tuition, books, materials, and fees;

(4) criteria for any transportation aid;

(5) available support services;

(6) scheduling;

(7) the consequences of failing or not completing a course in which the student enrolls and the effect of the grade attained in the course being included in the student's grade point average, if applicable;

(8) the effect of program participation on the student's ability to complete the district's graduation requirements;

(9) the academic and social responsibilities of students and parents under the program;

(10) information about and encouragement to use the counseling services of the college in which the student intends to enroll.

(D) A requirement that the student and his parent sign a form, provided by the school district, stating that they have received the counseling required by division (C) of this section and that they understand the responsibilities they must assume in the program.

(E) The options required by section 3365.04 of the Revised Code.

Sec. 3365.03. Notwithstanding any other provision of law, a student enrolled in a school district may apply to a college to enroll in it during his eleventh or twelfth grade school year under this chapter. If a college accepts the student, it shall send written notice to the student, his school district, and the superintendent of public instruction within ten days after acceptance. Within ten days after each enrollment for a term, the college shall also send the student, his school district, and the superintendent of public instruction a written notice indicating the courses and hours of enrollment of the student and the option elected by the student under division (A) or (B) of section 3365.04 of the Revised Code for each course.

Sec. 3365.04. The rules adopted under section 3365.02 of the Revised Code shall provide for students to enroll in courses under either of the following options:

(A) The student may elect at the time of enrollment to receive post-secondary credit from the college for the course. The student may also choose either to receive or not to receive credit toward graduation from his school district. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college, and the student shall be responsible for payment of all tuition, textbooks, materials, and fees associated with the course.

(B) The student may elect at the time of enrollment for each course to receive credit for the course toward fulfilling the graduation requirements of his school district. If the student elects this option, the college shall be reimbursed in accordance with section 3365.07 of the Revised Code.

Sec. 3365.05. (A) If after graduating from high school, a student enrolls in a college in which he was previously enrolled under this chapter, the college shall award full credit for any course the student successfully completed under either option described in section 3365.04 of the Revised Code.

(B) (1) If a student successfully completes a course in which he was enrolled under division (B) of section 3365.04 of the Revised Code, the board of education shall award him appropriate credit toward high school graduation in accordance with division (C) of this section.

(2) If a student successfully completes a course in which he was enrolled under division (A) of section 3365.04 of the Revised Code, the board shall not award him credit toward graduation in accordance with division (C) of this section unless he elected to receive such credit at the time of enrollment.

(C) High school credit awarded for courses successfully completed under this chapter shall count toward the graduation requirements and subject area requirements of the school district. If a course comparable to one a student completed at a college is offered by the district, the board shall award comparable credit for the course completed at the college. If no comparable course is offered by the district, the board shall grant an appropriate number of credits in a similar subject area to the student. If there is a dispute between the board and the student regarding high school credits granted for a course, the student may appeal the board's decision to the state board of education. The state board's decision regarding any high school credits granted under this division is final.

Evidence of successful completion of each course and the high school credits awarded by the district shall be included in the student's record. The record shall indicate that the credits were earned as a participant under this chapter and shall include the name of the college at which the credits were earned. The district board shall determine whether and the manner in which the grade achieved in a course completed at a college will be counted in any cumulative grade point average maintained for the student.

Sec. 3365.06. (A) A student in grade eleven may not enroll in courses under this chapter for which he elects under division (A) or (B) of section 3365.04 of the Revised Code to receive credit toward high school graduation for more than the equivalent of two academic school years. A student in grade twelve enrolling for the first time in courses under this chapter may not enroll in courses in which he elects to receive credit toward high school graduation for more than the equivalent of one academic school year. These restrictions shall be reduced proportionately for any such student who enrolls in the program during the course of a school year in accordance with rules adopted under section 3365.02 of the Revised Code.

(B) In considering the admission of any secondary student, a college shall give priority to its other students regarding enrollment in courses. However, once a student has been accepted in a course as a participant, the institution shall not displace the participant for another student.

Sec. 3365.07. (A) The rules adopted under section 3365.02 of the Revised Code shall specify the method for calculating the percentage of a full unit of average daily membership that the participant represents for the district, considering the effect of his enrollment in college courses under this chapter on his attendance in the district's schools.

(B) Each July, the department of education shall pay each college for any participant enrolled in the college in the prior school year under division (B) of section 3365.04 of the Revised Code an amount computed as follows:

(1) subtract the percentage of a full unit of average daily membership that the participant represents for the district from one;

(2) multiply the formula amount specified in section 3317.022 of the Revised Code times the school district equalization factor for the district specified under division (E) of section 3317.02 of the Revised Code;

(3) multiply the amount obtained under division (B) (2) of this section by the number obtained under division (B) (1) of this section.

(4) pay the college the lesser of:

(a) the amount computed under division (B) (3) of this section;

(b) the actual costs that would have been the responsibility of the student had he elected to enroll under division (A) of section 3365.04 of the Revised Code, as verified by the department, of tuition, textbooks, materials, and fees directly related to any courses elected by the student during the prior school year under division (B) of section 3365.04 of the Revised Code.

(C) The department shall not reimburse any college for any course taken by a student under division (A) of section 3365.04 of the Revised Code. If a student's school district is entitled to include the student in its average daily membership computation under section 3317.03 of the Revised Code, it shall include him only for the percentage determined under division (A) of this section plus the percentage the student is enrolled in college courses under division (B) of section 3365.04 of the Revised Code.

(D) The amount paid under division (B) (4) of this section for each student shall be subtracted from the payments under Chapter 3317. of the Revised Code made to the student's school district.

Sec. 3365.08. (A) A college that expects to receive or receives reimbursement under section 3365.07 of the Revised Code shall furnish to a participant all textbooks and materials directly related to a course taken by the participant under division (B) of section 3365.04 of the Revised Code. No college shall charge such participant for tuition, textbooks, materials, or other fees directly related to any such course.

(B) No student enrolled under this chapter in a course for which credit toward high school graduation is awarded is eligible for any financial aid under Chapter 3351. of the Revised Code.

(C) If a school district provides transportation for resident school students in grades eleven and twelve under section 3327.01 of the Revised Code, a parent of a pupil enrolled in a course under division (B) of section 3365.04 of the Revised Code may apply to the board of education for full or partial reimbursement for the necessary costs of transporting the student between the secondary school he attends and the college in which he is enrolled. Reimbursement may be paid solely from funds received by the district under division (K) of section 3317.024 of the Revised Code. The state board of education shall establish guidelines, based on financial need, under which a district may provide such reimbursement.

Sec. 3365.09. Section 3365.07 and Divisions (A) and (C) of section 3365.08 of the Revised Code do not apply to any college course in which a student is enrolled if during the term such student is enrolled in the college course he is also a full-time student in his district school. The rules adopted under section 3365.02 of the Revised Code shall prescribe a method for determining whether a student is enrolled full-time in his district school.

Ohio Senate Bill 140 (1989).

Utah

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53A-15-101, Utah Code Annotated 1953, as enacted by Chapter 34, Laws of Utah 1988, is amended to read:

53A-15-101.(1) Beginning July 1, 1989, the State Board of Education shall implement standards for the public schools to include the following:

(a) a curriculum program and delivery system which allows students the option to complete high school graduation requirements and prepares students to meet college admission requirements at the conclusion of the eleventh grade, but does not preclude a student involved in accelerated learning programs from graduating at an earlier time;

(b) a twelfth grade program of selected college credit courses in general education, vocational, and technical education, made available in cooperation with the State Board of Regents, as resources allow, through advanced placement courses or concurrent enrollment with one of the state's institutions of higher education;

(c) a course of study for a student who decides to continue on through the twelfth grade that would allow the student to take courses necessary to graduate from high school, and at the student's option, to become better prepared for the world of work, or complete selected college level courses corresponding to the first year of course work at a university, college, or community college in the state system of higher education; and

(d) preparation of a student education plan by each student at the beginning of the ninth grade which focuses on the student's intent and course of study necessary to complete graduation requirements while participating in one of the programs listed in Subsections (a), (b), and (c). The student education plan shall be prepared by the student under the guidance of the student's parent or guardian and school counselor.

(2) The State Board of Regents shall adopt rules to ensure the following:

(a) early high school graduates who are academically prepared and meet college admission requirements may be enrolled in one of the state's institutions of higher education;

(b) college credit courses are taught in high school concurrent enrollment or advanced placement programs by college or university faculty or public school educators under the following conditions:

(i) public school educators in concurrent enrollment programs must first be approved as adjunct faculty and supervised by a state institution of higher education;

(ii) teaching is done through live classroom instruction or telecommunications; and

(iii) course content, procedures, and teaching materials in concurrent enrollment programs are approved by the appropriate department or program at an institution of higher education in order to ensure quality and comparability with courses offered on college and university campuses; and

(c) college credits obtained in the twelfth grade under this section shall be accepted for transfer of credit purposes as if they had been obtained at any public institution of higher education within the state system. College-level courses taught in the high school carry the same credit hour value as when taught on a college or university campus and apply toward graduation on the

same basis as courses taught at an institution of higher education to which the credits are submitted.

(3) The State Board of Education shall provide students the option of accelerating their educational program and graduating at the conclusion of the eleventh grade.

(4) The State Board of Education and State Board of Regents shall work in close cooperation in developing and implementing the twelfth year component of the program established under this section. The Joint Liaison Committee of the two boards shall provide leadership and monitor the program in order to assess and ensure its effectiveness.

Utah Senate Bill 27 (1989).

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53A-15-102, Utah Code Annotated 1953, is enacted to read:

53A-15-102.(1) Any secondary school student who has completed all required courses may, with the approval of the student, the student's parent or guardian, and local school official, graduate at the conclusion of the eleventh grade as provided in Section 53A-15-101.

(2) A school district shall receive an amount equal to 25% of the value of the weighted pupil unit for each student who graduates from the district at the conclusion of the eleventh grade.

(3) A student who graduates from high school at the conclusion of the eleventh grade shall receive a partial tuition scholarship to be used at a Utah public college, university, community college, area vocational center, or any other institution in the state of Utah, accredited by the Northwest Association of Schools and Colleges that offers post secondary courses of the student's choice upon verification that the student has registered at the institution during the fiscal year following his graduation from high school. The scholarship shall be in an amount equal to 25% of the value of the weighted pupil unit.

(4) The payments authorized in Subsections (2) and (3) shall be made during the fiscal year that follows the student's graduation, based upon the value of the weighted pupil unit set for the year in which payment is made.

Section 2. This act takes effect on July 1, 1989.

Utah Senate Bill 137 (1989).

R300-703 Rules for Implementation of Optional Eleventh Grade
R300-703-1 Definitions

A. "USBE" means the Utah State Board of Education.

B. "USHE" means the Utah System of Higher Education.

C. "AVC" means Area Vocational Center.

D. "USHE Class" means college-level course work offered by higher education institutions.

E. "Concurrent Enrollment" means enrollment in one or more college courses for credit by a high school student who continues to be enrolled in high school and continues to be counted in Average Daily Membership (ADM).

F. "SEP" means student educational plan.

G. "Secondary school experience" means grades 7-12.
H. "WPU" means weighted pupil unit.

R300-703-2 Authority and Purpose

A. This rule is authorized under Article X, Section 3 of the Utah State Constitution, Section 53A-1-402(1), U.C.A. 1953, which authorizes the USBE to make rules regarding competency levels, graduation requirements, curriculum, and instruction requirements, curriculum, and instruction requirements, Section 53A-15-102, U.C.A. 1953, which provides the eleventh grade graduation option and defines the payment to the school district and the partial tuition payment for the student, and Section 53A-1-401(3), U.C.A. 1953, which authorizes the USBE to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to outline the procedure for public schools to provide an eleventh grade graduation option.

R300-703-3 Curriculum Options for Eleventh Grade Graduation

A. Each student shall complete the courses and credit required by the USBE and the local board of education.

B. Students may complete a course on a performance basis. Assessment of mastery is the responsibility of local boards of education. Credit may be earned any of the following ways:

(1) successful completion of a course;

(2) demonstrated proficiency via assessment as assessment tools become available;

(3) demonstrated mastery of approved courses outside of the school day or year;

(4) successful completion of a concurrent enrollment course that has been approved by a postsecondary training institution;

(5) successful completion of an Advanced Placement course;

(6) demonstrated mastery of approved correspondence or extension courses; or

(7) demonstrated mastery in a special experimental program, upon application by the local board of education to the USBE.

R300-703-4 Early Graduation Student Education Plan

In consultation with the student's parent or guardian and school counselor, each student shall indicate the intent to complete early graduation beginning in the ninth grade or as soon thereafter as the intent is known. For those students intending to graduate at the conclusion of the eleventh grade, local education authorities may require an SEP review during the initial eleventh grade registration.

R300-703-5 Local Education Requirements

A. Requirements relating to semesters in membership are inapplicable to students who have been approved under Section R300-703-4 for graduation following the eleventh grade.

B. Local academic and citizenship credit requirements for graduation which exceed USBE requirements shall include provisions that permit capable, motivated students to exercise the eleventh grade graduation option.

R300-703-6 Funding Provisions

A. A school district shall receive an incentive payment for each student who graduates from the district at the conclusion of the eleventh grade. Districts shall generate 1/4 WPU for each student who is reported on the F-4 report as having graduated at the conclusion of the eleventh grade in the fiscal year following the student's graduation.

B. Students who graduate at the conclusion of the eleventh grade shall receive a partial tuition scholarship to be used at a Utah public college, university, community college, area vocational center, or other institution in Utah accredited by the Northwest Association of Schools and Colleges. Upon verification that the student is registered at such an institution during the fiscal year following graduation from high school, the institution may request scholarship reimbursement from the Utah State Office of Education. The scholarship shall be in the amount of 25 percent of the value of the WPU.

Utah State Office of Education Rules, secs. R300-703-1--6 (1989).

Washington

28A.58.217 Contracts with University of Washington for education of academically highly capable high school students at early entrance or transition schools -- Allocation of funds -- Rules

(1) School districts are hereby authorized to contract with the University of Washington for the education of eligible academically highly capable high school students at such early entrance or transition schools as are now or hereafter established and maintained by the university.

(2) School districts may authorize the superintendent of public instruction to allocate all or a portion of the state basic education allocation moneys, state categorical moneys and federal moneys generated by a student attending a University of Washington early entrance or transition school pursuant to this section directly to the university: *Provided*, That such state moneys shall be expended exclusively for instruction and related activities necessary for students to fulfill the high school graduation requirements established by their school district of enrollment.

(3) The superintendent of public instruction shall adopt rules pursuant to chapter 34.04 RCW implementing subsection (2) of this section.

Wash. Rev. Code, sec. 28A.58.217 (1989).

<u>High School Dropout Rate Reduction</u>

Districts are encouraged to design alternative high schools, schools-within-schools and subject-matter-related schools, as well as flexible scheduling to meet the diverse needs of students at-risk of dropping out. Districts are also encouraged to use research on effective methods in working with dropouts.

Districts are encouraged to consider tutor programs among flexible teaching arrangements.

A pilot open enrollment program for certain at-risk students is established for the school years 1989-90 through 1993-94. The program expires December 31, 1994. Eligible students are: A student who has dropped out of high school for six weeks or longer, has returned from drug and alcohol treatment, is or is about to become a teen parent, or has returned from hospitalization due to a mental health problem. Eligible students may choose to attend any high school in the state regardless of residence, subject to acceptance by the school and district. Receiving districts may not charge nonresident students tuition. Basic education funding allocations shall follow the student.

The SPI must contract with the University of Washington for the education of highly capable students below 18 years of age who are admitted or enrolled in the UW's Early Entrance Program or transition school. The University may not admit and enroll more than 30 students in the transition school in any year.

Washington Engrossed Substitute House Bill 1444 (1989).

Education Commission of the States
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